



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.617 of 2025

Subhas Chandra Parida **Petitioner**

*Mr. J. Dash,
Advocate*

-versus-

Additional Commissioner, ... Opposite Parties
Additional Revisional Court
No.II, Bhubaneswar &
others

*Mr. Sachidananda Nayak,
Additional Standing Counsel
None
(for Opposite Party Nos.7 to 10)*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER
30.04.2025

Order No.
03.

This matter is taken up through hybrid mode.

2. Though pursuant to order dated 03.02.2025, notice was issued to the Opposite Party Nos.7 to 10 through Registered Post with A.D. fixing the date of appearance to 13.03.2025, as per the office note, neither the ADs nor the undelivered notices returned from the Opposite Party Nos.7 to 9. Similarly, notice issued to Opposite Party No.10 has returned with postal endorsement "Addressee unclaimed". Though notice was again issued to Opposite Party No.10 on 26.03.2025 through Registered Post with A.D. fixing the date of appearance to 21.04.2025, as per the office note, the said notice has also returned un-served with postal endorsement



“Addressee Unclaimed”

3. However, in view of the provisions enshrined under sub-Rule 5 of Rule-9 under Order-5 of CPC, read with Section-27 of the General Clauses Act, 1897, notices on the Opposite Party Nos.7 to 9 are held to be sufficient. Similarly, in view of judgment of the Supreme Court reported in AIR 1989 SC 630 (**M/s. Madan & Co. Vs. Wazir Jaivir Chand**), notice on the Opposite Party No.10 is also held to be sufficient.

4. Heard Mr. Dash, learned Counsel for the Petitioner so also Mr. Nayak, learned Additional Standing Counsel for the State-Opposite Party Nos.1 to 6.

5. In view of the specific allegation made in para-4 of the writ petition, on consent of learned Counsel for the parties, the matter is taken up for hearing and disposal at the stage of admission.

6. The Petitioner has challenged the order dated 30.08.2024 passed in R.P. No.491 of 2014 solely on the ground that the said R.P. case was dismissed alleging laches on the part of the Petitioner so also without affording sufficient opportunity and without considering the case on merit.

7. As is revealed from the impugned order dated 30.08.2024, the Additional Commissioner, Additional Revisional Court No.II, Bhubaneswar dismissed the R.P. No.491 of 2014 on mere presumption that the counsel for the Petitioner is not interested to proceed in the case so also on the ground that despite sufficient opportunity, he has failed to file the Sabik Hal Sketch Map in the said case. Hence, the said R.P. case stood dismissed for default for non-compliance of the previous order.



8. Learned Counsel for the Petitioner submits, since the Sabik Hal Sketch Map is now available with the Petitioner, he be given liberty to produce the same so also other documents, if any, the Petitioner intends to file before the Additional Commissioner, Additional Revisional Court No.II, Bhubaneswar.

9. In view of the averments made in the writ petition so also the submission made by the learned counsel for the Petitioner, the impugned order dated 30.08.2024 passed in R.P. No.491 of 2014, as at Annexure-2, is hereby set aside. The matter is remitted back to the Additional Commissioner, Additional Revisional Court No.II, Bhubaneswar (Opposite Party No.1) for hearing of R.P. No.491 of 2014 afresh on merit giving due opportunity to the Petitioner to file the Sabik Hal Sketch Map and other documents, if any, which he intends to file so also give opportunity to the private Opposite Party Nos.7 to 10 to have their say. Thereafter, the Additional Commissioner, Additional Revisional Court No.II, Bhubaneswar (Opposite Party No.1) shall do well to proceed further in accordance with law and conclude the said proceeding at the earliest preferably, within period of six months from the date of production of the certified copy of this order.

10. With the aforesaid observation and direction, the writ petition stands disposed of.

11. Urgent certified copy of this order be granted on proper application.

(S. K. MISHRA)
JUDGE

Signature Not Verified

Digitally Signed
Signed by: PRASANT KUMAR PRADHAN
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 01-May-2025 15:17:31



Prasant