(2025) 11 OHC CK 0037

Orissa HC

Case No: Writ Petition (C) No. 23743 Of 2025

Sk. Samul Haqk And Another		APPELLANT
	Vs	
State Of Odisha And Others		RESPONDENT

Date of Decision: Nov. 7, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226, 227

Hon'ble Judges: A.C.Behera, J

Bench: Single Bench

Advocate: M.R. Padhy, S. Nayak

Final Decision: Disposed Of

Judgement

A.C. Behera, J

1. This writ petition has been filed by the petitioners under Articles 226 and 227 of the Constitution of India, 1950 praying for directing the Tahasildar Jharsuguda for implementation of the order dated 28.05.2014 passed in R.P. No.746 of 2012 by the Additional Commissioner Settlement and Consolidation, Sambalpur sole Opposite Party.

2. Heard from the learned counsel for the petitioners and learned Standing Counsel for the State.

3. On this aspect, the propositions of law has already been clarified by the Apex Court in a case between Jayamma and others vrs. The Dy. Commr. Hassan Dist. Hassan and others : reported in 2013(3) Civil Law Times-94 that,

“if a Sub-ordinate authorities in Government does not act in terms of directions or instructions issued by the superior authority, it is not for the High Court to compel that, Sub-ordinate authority to comply with the instructions or directions issued by the superior authority. Because, High Court is not the executing forum of the instructions issued by the Government or superior officers of the Government to their Sub-ordinate Officers, because, it is the duty of the superior officer(who passed the order) to see the implementation of its own order by its Sub-ordinate. The High Court is not the executing forum of instructions/directions issued by the Superior Authority of the Government to its Subordinate Officers. So, it is the duty of the Superior Authority of the Government(who passed the order) to implement his/her own order properly.”

4. In view of the principles of law enunciated by the Apex Court in the ratio of the aforesaid decision, it is the duty of the superior officer of the Government to see that, his/her order/direction is implemented by its sub-ordinate officer, to whom, the direction was issued for implementation.

5. So, by applying the propositions of law enunciated in the ratio of the aforesaid decision of the Apex Court, it is felt proper to dispose of this writ petition finally giving liberty to the petitioners to approach the authority, i.e., Additional Commissioner Settlement and Consolidation, Sambalpur sole Opposite Party, who had passed the order on dated 28.05.2014 passed in R.P. No.746 of 2012 by filing an application for its proper implementation by the Tahasildar, Jharsuguda, annexing the certified copy of this judgment and in case of non-response to the same, the petitioners can approach the High Court seeking appropriate relief concerning non-response of their application by Additional Commissioner Settlement and Consolidation, Sambalpur sole Opposite Party.

6. So, with the aforesaid observations and directions, this writ petition filed by the petitioners is disposed of finally.