

By e-Mail/FAX

**GOVERNMENT OF ODISHA**

**REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

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No. RDM-LEGAL-MISC- 0005-2019-8562/R&DM dated 13 MAR 2019

From

**Nikunja B. Dhal, IAS**

Principal Secretary to Government

To

**All Collectors**

**Sub: Management of court cases and implementation of the orders of different courts and tribunals: Regarding**

Madam/Sir,

It has come to my notice that despite repeated instructions and proper authorization to Collectors and other field officers, adequate attention is not being given for management of court cases at hearing stage and appropriate follow up action is not taken within the time limit after the order is passed. In many cases, contempt proceedings are initiated against very senior officers of the Government for casual handling of such cases either by the Collectors or other field level officers.

2. In order to streamline the process of management of court cases and for taking appropriate follow up action, it is instructed that following guidelines are to be scrupulously adhered to by all Collectors and other field level officers:

- i. On receipt of the notice of any case from the court, the concerned Government Pleader/ Standing Counsel/ Additional Government

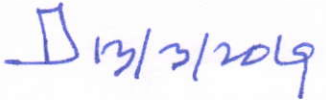
- Advocate must be contacted by the ADM/Sub-Collector/Tahasildar immediately. The details must be entered and updated in the CCMS.
- ii. Necessary instructions/ para wise comments must be filed within 7 days from the receipt of the notice.
  - iii. In consultation with the concerned government advocate, counter affidavit must be filed before the next date of hearing. The PWC and CA should be approved either by the Collector or by the ADM.
  - iv. Collector/ADM will review the position of filing CA, compliance of the orders, filing of time petition and appeals, etc every fortnight.
  - v. Collector must ensure that one officer from government side must attend the court on every date of hearing. No case should go unattended in the court.
  - vi. Once the order is passed by any court, an urgent copy must be collected and the matter must be brought to the notice of Collector to decide future course of action.
  - vii. Collector will decide prima facie if the order is to be implemented or appeal is required to be filed in the higher court. Ordinarily, no appeal should be filed on flimsy grounds. If important question of law or substantial loss to Government exchequer or serious deviation to government policy is involved, appeals have to be filed with approval of Government. In extremely urgent cases the appeal may be filed after taking the opinion of the Government Pleader and post facto approval of Government may be taken.
  - viii. The Collector/Land Acquisition Officer will not file any appeal against the orders of the lower court passed in LA cases as instructed earlier. The concerned Requisitioning Officer/ project proponent is duty bound to deposit the decretal dues in compliance to the court order. In case the R.O. is in disagreement with the orders of the court, then the concerned R.O. has to file the appeal.
  - ix. When the Collector decides to carry out an order, it should be implemented within the timeline given by the court. In some cases approval of the competent authority may be required to be taken to implement the orders. In such cases, time petition need to be filed to avoid contempt.
  - x. When a view is taken to prefer appeal, time petition must be filed immediately before the court seeking further time for filing the appeal and the proposal with justification should be sent to the Department.

When a reference is made to the Department, the matter should be constantly pursued with the concerned Branch Officer of the Department.

3. It may be noted that if any contempt case is filed against the senior officers due to willful negligence or delay in implementing the orders, the concerned field officer will be held responsible for such lapses.

4. Above instructions are equally applicable to cases filed before the NGT and OAT also. A copy of this letter may please be brought to the notice of all concerned.

Yours faithfully,

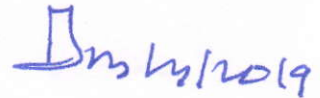


Principal Secretary to Government

Memo No. 8563/R&DM

Dated 13 MAR 2019

Copy forwarded to Secretary, Board of Revenue/ all RDCs/DLR&S/IGR for information and similar necessary action.

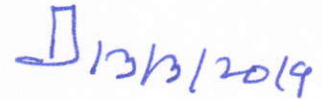


Principal Secretary to Government

Memo No. 8564/R&DM

Dated 13 MAR 2019

Copy forwarded to learned Advocate General, Odisha for favour of information.

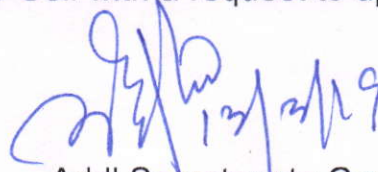


Principal Secretary to Government

Memo No. 8565/R&DM

Dated 13 MAR 2019

Copy submitted to Joint Secretary i/c of IMU Cell with a request to upload the letter in the website of this Department.

A handwritten signature in blue ink, appearing to be 'S. J. S.', with the date '13/3/19' written below it.

Addl Secretary to Government