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## ORISSA HIGH COURT, CUTTACK

### NOTIFICATION

No. **966 / dtd.24.10.2013**  
**X-3/2013**

Pursuant to the resolution passed in the Full Court held on 01.10.2013 and 21.10.2013 Hon'ble the Chief Justice has been pleased to substitute the existing provisions contained in Rule-1, 3(1), 5, 6, 7 and 8 of Chapter-XV of the Orissa High Court Rules, Vol-I 1948 (4<sup>th</sup> Edition, 1983).

#### **1. Rule-1(a) and (b) Page- 31**

Substitute the following for the existing provisions contained in Rule-1(a) and (b), Chapter-XV, page 31 of the Orissa High Court Rules, Vol-I, 1948 (4<sup>th</sup> Edition, 1983) as amended vide Correction Slip No.74.

- “1(a) An application for direction or writ of mandamus, prohibition, quo warranto, certiorari or any other direction or order under Article 226 of the Constitution or an application under Article 227 of the Constitution will be addressed to the Chief Justice and His Companion Justices of this Court and will be placed before such Division Bench or Single Judge as the Chief Justice may direct by a general or special order.
- (b) Unless directed otherwise, the following categories of cases will be placed before a Division Bench:
- (i) Writ Petitions relating to Public Interest Litigation.
  - (ii) Writ Petitions challenging the vires of any Act or any Statutory Order, Rule or Regulation.
  - (iii) Writ Petition against orders of SAT, CAT and relating to service of employees/officers of Judiciary.

- (iv) Writ Petitions relating to admission into and recognition/ affiliation of technical and professional educational courses.
- (v) Writ Petitions in the nature of Habeas Corpus including all Writ Petitions pertaining to illegal detention.
- (vi) Writ Petitions relating to Income Tax, Wealth Tax, Gift Tax, Central Excise, Customs Duty, Entry Tax, Value Added Tax, State Excise, Service Tax and Sales Tax.
- (vii) Writ Petitions relating to Tenders.
- (viii) Writ Petitions regarding D.R.T. and Bank Securitization, RDBI Act, OSFC and BIFR.
- (ix) Writ Petitions under Orissa Estate Abolition Act, 1951.
- (x) Writ Petitions relating to Lease and the Orissa Government Land Settlement Act, 1962.
- (xi) Writ Petitions under the Special Courts Act.
- (xii) Writ Petitions relating to immovable properties of Hindu Religious Endowments.
- (xiii) Writ Petitions against the orders passed by the Orissa Electricity Regulatory Commission.
- (xiv) Writ Petitions relating to Mines and Minerals.
- (xv) Writ Petitions under the Land Acquisition Act.

Provided that when a Division Bench is not available and in all cases when a Single Judge functions as the Vacation Judge, a Single Judge may entertain an application under Articles 226 or 227 of the Constitution and pass an interim order but no final order shall be passed by such Single Judge.

All other matters will be listed before a Single Judge”.

**2. Rule-3(1), Page-32**

Substitute the following for the existing Rule -3 (1) of Chapter-XV, Part-II at Page-32 of the Orissa High Court Rules, Vol-I, 1948 (4<sup>th</sup> Edition, 1983).

The applications shall be accompanied by a statement setting out the name and description of the applicant and of the party against whom relief is sought and the particulars of the proceeding/ proceedings which is/are sought to be challenged or quashed, and the grounds on which it is sought. The same shall also contain the provisions of law under which it is filed, the reliefs sought and the orders or actions

impugned in the first few paragraphs. All such particulars as indicated in Appendix-I shall be duly and correctly furnished by the petitioner.

In the application, the petitioner, after supplying the aforesaid information, shall also incorporate in a separate paragraph whether alternate remedy, if any, available under any statute has been availed or not.

### **3. Rule-5, Page-32**

Substitute the following for the existing Rule -5 of Chapter-XV, Part-II at page-32 of the Orissa High Court Rules, Vol-I, 1948 (4<sup>th</sup> Edition, 1983).

“Every application shall be registered as Writ Petition (Civil) “W.P.(C)” except the application for Habeas Corpus registered as “WPCRL”. Applications under Article 227 of the Constitution arising out of a Suit or a First Appeal shall be registered as Civil Miscellaneous Petition “C.M.P.” and arising from any criminal proceeding shall be registered as Criminal Miscellaneous Petition “Crl.M.P”.

### **4. Rule-6, Page-32**

Substitute the following for the existing Rule -6 of Chapter-XV, Part-II at page-32 of the Orissa High Court Rules, Vol-I, 1948 (4<sup>th</sup> Edition, 1983).

“The record of W.P.(C) or WPCRL and C.M.P. / Crl.M.P. except a case in which a memorandum has been filed for being listed on the day following the date of presentation shall be sent for stamp report on the day following the date of its registration. The Stamp Reporter shall return the record with his report on the next date of receipt thereof”.

### **5. Rule-7, Page-32**

Substitute the following for the existing Rule -7 of Chapter-XV, Part-II at page-32 of the Orissa High Court Rules, Vol-I, 1948 (4<sup>th</sup> Edition, 1983).

“In W.P.(C) or WPCRL and C.M.P./ Crl.M.P., defects if any, pointed out by the Stamp Reporter shall be removed within five days from the date of publication of the defects in the Supplementary Cause List supplied to the High Court Bar Association, failing which the case shall be placed before the Deputy Registrar (Judicial) within three days thereafter for orders”.

Provided that the Registrar may refer any matter to the Court for orders.

**6. Rule-8,Page-32**

Substitute the following for the existing Rule -8 of Chapter-XV, Part-II at page-32 of the Orissa High Court Rules, Vol-I, 1948 (4<sup>th</sup> Edition, 1983).

“When the defects are not removed or when the orders of the Deputy Registrar are not complied with, in any case within the time allowed by him, the W.P.(C) or WPCRL and C.M.P. / CrI.M.P. shall be placed before the Bench within three days for dismissal.”

N.B. The above amendments shall come into force w.e.f 01.01.2014.

**Encl. Coding Sheets I to XI & Guidelines (30 Pages)**

**By order of the Court  
Sd/-  
(G. MOHAPATRA)  
Registrar (Judicial)**