

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WP(C) NO.14651 OF 2005**

***Dhruba Padhan & anr.***

....

***Petitioners***

Mr.S.K.Padhi, Sr.Adv.

*-versus-*

***Radhika Sahu & ors.***

....

***Opposite Party(s)***

Mr.S.P.Panda, AGA  
Mr.S.Misra, Adv.

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER  
26.8.2022**

**Order No.**

- 04.
1. Heard learned counsel for the Parties.
  2. The Writ Petition involves a challenge to the order of the Competent Authority, vide Annexure-4 appearing to be decided in exercise of power under Section 37(1) of the OHC & PFL Act, 1972. The impugned order is challenged solely on the ground of un-reasoned one.
  3. Taking this court to the impugned order and reading through the same, there is an attempt by the learned counsel for the Petitioners that even assuming the Joint Commissioner has the power to remand but he has to record the reasoning in coming to such conclusion.

4. There is no dispute by the Parties to contest that the impugned order is a one line order and without assigning any reason. For the opinion of this Court and looking to the nature of proceeding, a Revision under Section 37(1) of the OCH & PFL Act, 1972 and the Parties have their case, it becomes necessary on the part of the revisional authority to at least show some reasons in coming to such conclusion, in absence of which such order is not sustainable in the eye of law. This Court finds strength in the submission of the learned counsel for the Petitioners.

5. Accordingly, interfering with the impugned order at Annexure-4, this Court remits the matter to the Joint Commissioner, Consolidation of Holdings, Sambalpur, O.P.5 for re-adjudication of the Section 37(1) of the OCH & PFL Act Proceeding. Since this matter is decided in presence of the Parties to contest, all the Parties are directed to appear before O.P.5 or the Competent Authority in deciding such matter presently on 14.9.2022 along with a copy of this order. On their appearance, the Competent Authority shall fix a date of hearing of the Revision and entering into fresh hearing dispose of the same within a period of three months from the date of appearance of the Parties.

6. With the above observation/direction, the Writ Petition stands disposed of.

**(Biswanath Rath)**  
**Judge**

*M.K.Rout*

