

IN THE HIGH COURT OF ORISSA AT CUTTACK

OJC NO. 4319 OF 1995

Bighneswar Mishra and others* *Petitioners

Mr. Sougat Dash, Advocate

-versus-

Gourang Lenka and others* *Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opp. Party Nos.8 and 10)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.08.2023

Order No.

I.A. No. 20 of 2023

27. 1. This matter is taken up through hybrid mode.
2. This is an application for modification of the order dated 14th February, 2022 by which the writ petition was disposed of.
3. Mr. Dash, learned counsel for the Petitioners submits that the writ petition was disposed of vide order dated 14th February, 2022 with the following direction:

“7. On perusal of the impugned order, it appears that the Additional Commissioner Settlement and Consolidation, Odisha, Bhubaneswar taking into consideration the materials on record has remitted the matter back to the Consolidation Officer for fresh adjudication giving opportunity of hearing to the parties concerned including Opposite Party Nos. 1 to 7, who are the villagers of Khirkona. Law is no more res integra that a revision under Section 37(1) can be entertained even after publication of the notification under Section 41 of the Act, 1972. Thus, I find no infirmity in the impugned order.

8. Since Objection Case (Case No. 1673 of 1983) was filed in the year, 1983, the Consolidation Officer shall take expeditious steps for disposal of the objection filed under Section 9(3) of the Act, 1972 as expeditiously as possible preferably within a period of eight months from the date of production of certified copy of this order.”

4. Mr. Dash, learned counsel for the Petitioners further submits that although the order dated 14th February, 2022 suggests that the order dated 15th December, 1994 passed by the Additional Commissioner, Settlement and Consolidation, Odisha, Bhubaneswar in Consolidation Revision Case No.280 of 1993 was not sustainable, but due to the fact that the order has not yet been set aside, the Consolidation Officer is not carrying out the direction of this Court.

5. Since the matter has been remitted back to the Consolidation Officer for fresh adjudication, he should carry out the order, as per the direction contained in the aforesaid order. However, there is no material on record to show that the Consolidation Officer is not complying with the direction of this Court made in the aforesaid writ petition.

5. If that be so, appropriate action shall be taken, if moved in that regard.

6. The I.A. is accordingly disposed of.

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

Signature Not Verified

Digitally Signed
Signed by: BIJAY KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 14-Aug-2023 10:39:21



(K.R. Mohapatra)
Judge