

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15471 of 2008

State of Orissa & Others

.... ***Petitioners***
Mr. D.K.Mohanty, AGA

-versus-

***Basanta Kumar Mohapatra and
another***

.... ***Opp.Parties***

Mr. Samir Ku.Mishra, Advocate
for O.P.No.1

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

**ORDER
21.02.2022**

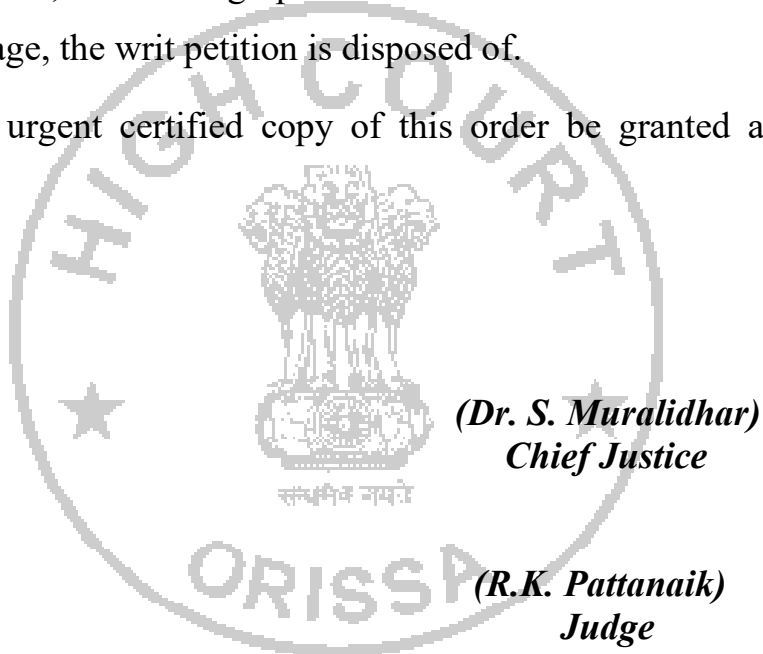
Order No.

10. 1. The challenge in the present petition is to an order dated 20th January, 1993 passed by the Commissioner, Land Records and Settlement in R.P. Case No. 657 of 1990.
2. The above petition has been filed by the predecessor in the interest of the Opposite Party No.1 (who incidentally has since expired) under Section 15 (b) of the Orissa Survey and Settlement Act, 1958 against the recording of the hal R.O.R. Khata No.201 Ac. 0.70 dec. and hal plot 186 Ac.0.50dec. and hal R.O.R. Khata No. 199 hal plot 184 Ac.0.30 dec.
3. It is seen that the operative portion of the impugned order only requires the authorities to undertake a verification of the case records in order passed in O.E.A. Case No. 8644 of 1976 in favour of the Opposite Party and to check that it has not been set aside by the competent Court. The Tahasildar has

been asked to make a sabik hal correlation of the leased area with the suit hal plot and only if it tallied then the corresponding hal plot was asked to be recorded in favour of the Opposite Party. It is thus seen that the impugned order itself was itself a conditional one, contingent upon the authorities being satisfied on several aspects referred to above.

4. Leaving it open to the Petitioner-State to question the right of the Opposite Party at the stage of recording of any ROR in his favour, and leaving open all the contentions to be raised at that stage, the writ petition is disposed of.

5. An urgent certified copy of this order be granted as per rules.



(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge