

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1089 of 2005

Debaraj Chhotaray

....

Petitioner

Mr. A. Mohanty, Senior Advocate

-versus-

State of Orissa and others

....

Opposite Parties

Mr. P.K Muduli, AGA

CORAM:

THE CHIEF JUSTICE

JUSTICE R. K. PATTANAİK

ORDER

30.06.2022

Order No.

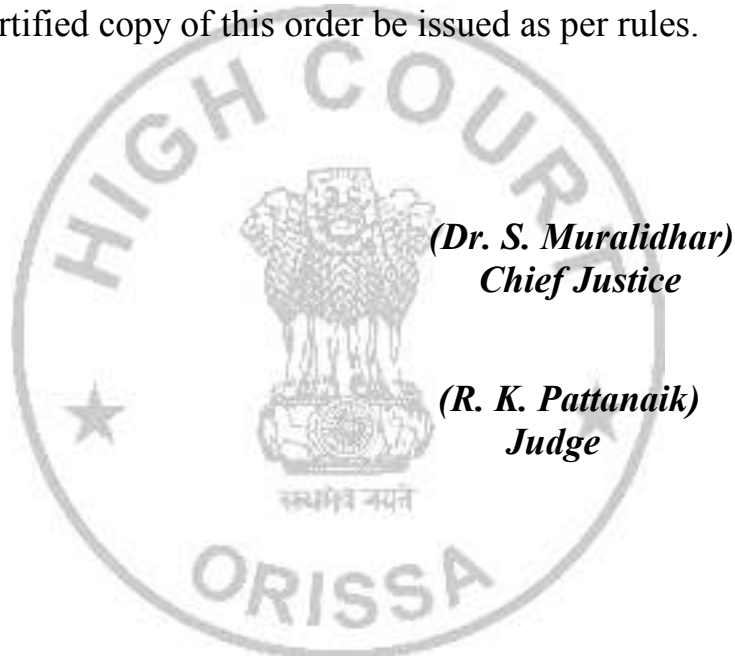
10. 1. The challenge in the present petition is to an order dated 4th September 2004 of the Board of Revenue, Orissa in OEA Revision Case No.21 of 1998, whereby the order dated 20th July, 1963 passed by the Tahasildar-cum-OEA Collector, Nimapara was quashed and the lands in question were stated to have vested with the Government and the Tahasildar.
2. One of the grounds of challenge is that the said order was passed without notice to the present Petitioner who was the auction purchaser way back in 6th April, 1992. The above fact is not disputed. Consequently, the impugned order is set aside on the short ground and the matter being Revision Case No.21 of 1998 is remanded to the Board of Revenue, Orissa to be heard afresh after giving the Petitioner an opportunity to file a response and to be heard.
3. The OEA Revision Case No.21 of 1998 will be listed before the Board of Revenue on 29th August, 2022 for directions. The

Petitioner will remain present through his counsel before the Board of Revenue on that day. All the grounds urged by the Petitioner in the present petition are permitted to be urged before the Member, Board of Revenue, Orissa.

4. It is clarified that the impugned order has been set aside in so far as it concerns the order dated 20th July, 1963 in Claim Case No.480 of 1959-60 of the Tahasildar-cum-OEA Collector, Nimapara.

5. The writ petition is disposed of in the above terms.

6. Urgent certified copy of this order be issued as per rules.



S. Behera