

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.9994 of 2004

Laxminarayan Patnaik

.... **Petitioner(s).**

Mr.S.K.Pradhan, Advocate

-versus-

**Joint Commissioner, Settlement &
Consolidation, Berhampur & Ors.**

.... **Opposite Party(s)**

**Mr.U.K.Sahoo,
ASC**

CORAM:

JUSTICE BISWANATH RATH

ORDER

24.09.2022

Order No.

5

1. Heard learned counsel appearing for the parties.
2. Short question involved herein whether the competent authority exercising power under Section 15(b) of the Orissa Survey & Settlement Act has power to review? and thus making a request in the writ petition to take out the review order at Annexure-5. Through two of the decisions of this Court in the case of **Brundaban Sahoo v. Antaryami Sahoo & Ors**, reported in 90 (2000) CLT 412 and in the case of **Sk. Jabar @ Sk.Abdul Jabar v. State of Orissa & Ors**, reported in 2015 (II) OLR 697 an attempt is made for applying the decisions herein above to the case at hand. There is no dispute at the Bar that through the decision the issue raised here is already settled holding the authority involved has no review power.
3. For the settled position of law through the above decisions, this Court finds exercise of review power by the competent authority becomes illegal. In the result, this Court interferes in the impugned order at Annexure-5 and sets aside the same.

4. The writ petition stands allowed.

(Biswanath Rath)
Judge

sks

