

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.9850 of 2004

Nakul Charan Das & Anr. ***Petitioner(s).***
Mr.S.Rath, Advocate

-versus-

Joint Commissioner, Settlement & Consolidation, Bhubaneswar & Ors. ***Opposite Party(s)***
Mr.S.Ghose, AGA
Mr.P.Kar,
Advocate

CORAM:
JUSTICE BISWANATH RATH

ORDER
23.09.2022

Order No.

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1. Heard learned counsel appearing for the parties.
2. This matter involves a challenge to the review order. Restricting his challenge, Mr.Rath, learned counsel for the petitioners took this Court to the ground No.D in the revision petition at Annexure-1 and claims that once the party has taken a specific ground that there was no existence of any sale deed for there is already cancellation of the same, in all probability, the revisional authority should have consider that aspect while also considering long possession of the party involved.
3. Mr.Kar, learned counsel appearing for the contesting opposite party contest the impugned order while not disputing that the question raised by the petitioners was Ground –D has not been considered but however attempted to support the impugned order on the premises since it is based on long possession of the party, which is also source through the finding of the appellate authority as well as

the original authority. Under the circumstance, Mr.Kar, learned counsel objected the entertainability of the writ petition. Learned State Counsel supports the submission of Mr.Kar.

4. This Court here finds the impugned order is based on the long possession of the petitioner, which has been found to be also by the appellate authority as well as the original authority. Even assuming there is consideration of ground taken at Ground D of the petition, for this Court finding all the courts having proceeded also on the aspect of long possession of the petitioners and three courts having come to same view holding long possession in favour of the petitioners therein and thereby arriving in the conclusion in three forums, this Court for the concurrent finding of facts finds no scope of interference, as these petitioners failed in establishing their clam of long possession of private opposite party here to contest in all the three forums in spite of sufficient opportunity.

5. Accordingly, the writ petition stands dismissed.

(Biswanath Rath)
Judge

sks