

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.6852 of 2004**

***Satchidananda Nayak***

....

***Petitioner(s)***

Mr. S.K. Nayak(3),  
Advocate

*-versus-*

***Commissioner, Consolidation,  
Bhubaneswar & Ors.***

....

***Opposite Parties***

Mr. S. Ghose,  
Addl. Govt. Adv. for O.Ps.1 to 3  
Mr. A. Ch. Swain,  
Advocate for O.P.5

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER  
06.07.2022**

**Order No.**

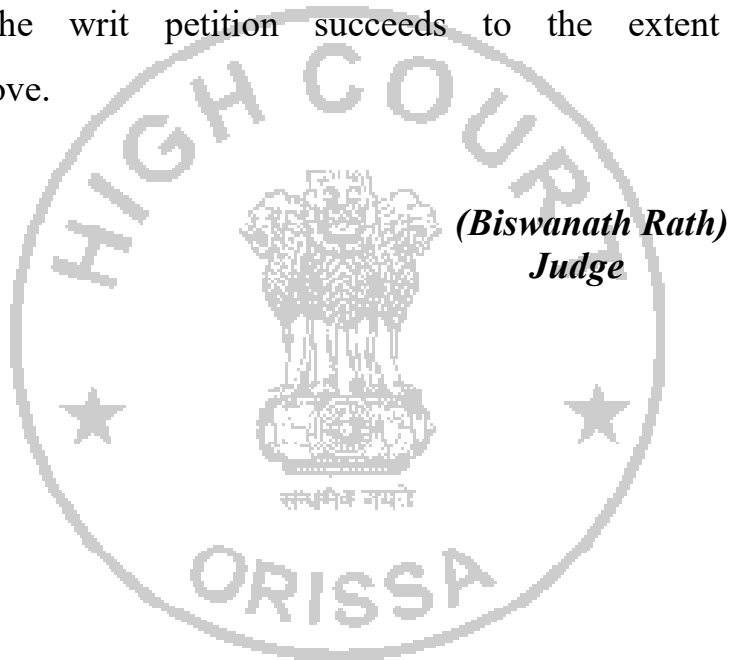
17.

1. This writ petition involves a challenge to the order of the Consolidation Authority dated 28.07.2003 vide Annexure-5.
2. Heard the submissions of the respective parties.
3. Challenging the order at Annexure-5 learned counsel for the Petitioner submitted that there is adjudication of the proceeding involving the property under the Odisha Estate Abolition Act resulting final order vide Annexure-3 at page 20 of the brief and the same has not been challenged any further.
4. Considering the rival contentions of the parties, this Court through the discussions in the impugned order at Annexure-5 finds, there is clear raising of above ground by the Petitioner before the Consolidation Authority. For the opinion of this Court once the disputed property is involved in the adjudication process involving a

proceeding under the Odisha Estate Abolition Act and there is determination of the issue not being challenged any further, the Consolidation Authority remains bound by such order. For there is ignorance of the order of the competent authorities deciding the matter at Annexure-5 in exercise of powers under the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972, this Court finds, the impugned order at Annexure-5 remains contrary to the law. In the process this Court interfering in the impugned order at Annexure-5, sets aside the same.

5. The writ petition succeeds to the extent indicated hereinabove.

*Ayaskanta Jena*



*(Biswanath Rath)*  
*Judge*