

IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) NO.13181 OF 2003

Sukhendra Singh

....

Petitioner

Mr.C.R.Nanda, Adv.

-versus-

***Collector & District Magistrate,
Mayurbhanj & ors.***

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC
Mr.N.Lenka, Adv. for O.P.4

CORAM:
JUSTICE BISWANATH RATH

ORDER
17.10.2022

Order No.

7.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the decisions involving proceeding under Section 23 of the O.L.R. Act decided by the Original Authority, vide Annexure-3, the Appellate Authority, vide Annexure-4 and the Revisional Authority, vide Annexure-5.
3. Assailing the impugned orders, learned counsel for the Petitioner submits, for the land neither agricultural nor related to agricultural land, no proceeding under Section 23 of the O.L.R. Act would have been initiated for entertaining the illegal proceeding. There is also request for interfering with such orders and setting aside the same.
4. Mr.Lenka, learned counsel for O.P.4 objects the submission of the learned counsel for the Petitioner on the premises that no such

ground was ever agitated in any of the proceedings already undertaken and thus requests this Court for dismissing the Writ Petition for undertaking fresh consideration exercise.

5. Mr.Sahoo, learned Additional Standing Counsel supports the submission of Mr.Lenka and also requests for dismissal of the Writ Petition.

6. Considering the rival contentions of the Parties, this Court reading through Annexure-2, the objection of the Petitioner, nowhere finds any such ground taken there. This Court observes, the grounds not available for consideration of all the three Forums undertaking such exercise since involve a question of fact, there is no scope for entertaining such grounds in exercise of power under Article 227 of the Constitution of India. Though the decision in *Mahurila Agarwalla vrs. Dusasan Sahu & ors* : reported in 53(1982) CLT-1 is relied upon by the Petitioner, this Court finds, for the factual scenario involved herein, the said decision has no application to the case at hand. Besides there is also concurrent finding of fact by all the three Forums, law restricts interfering such finding.

7. The Writ Petition thus stands dismissed.

(Biswanath Rath)
Judge