IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17098 of 2006

State of Orissa and other .... ***Petitioners***

Mr. D.K. Mohapatra, Advocate

-versus-

Ashok Kumar Sundaray .... ***Opposite Party***

Mr. S.K. Samantaray, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAIK

ORDER
15.02.2022

Order No.

09. 1. After hearing counsel for both the Parties, the Court finds that the impugned order dated 25th July, 2003 passed by the Commissioner, Consolidation and Settlement, Bhubaneswar in Consolidation Revision Case No.61 of 2003 and the subsequent order dated 14th February, 2005 Member Board of Revenue, Orissa, Cuttack in Consolidation Revision Case No.4 of 2004 do not deal with the principal ground raised by the Petitioners regarding lack of jurisdiction.

2. On that short ground, the aforementioned impugned orders are set aside and the matter i.e. Consolidation Revision Case No.61 of 2003 is revived before the Commissioner, Consolidation and Settlement, Bhubaneswar, Orissa where it will be listed for directions on 21st March, 2022. All the contentions of the parties are left open to be urged before the Commissioner, Consolidation

and Settlement, Bhubaneswar who will pass a fresh order after hearing the parties uninfluenced by the earlier order that has been set aside today, not later than 2nd May, 2022. The order shall be made available to the parties not later than 9th May, 2022. It is clarified that this Court has not expressed any opinion on the merits of the case. If aggrieved by the fresh order, it would be open to the parties to seek appropriate remedies in accordance with law. The interim order passed by this Court earlier shall stand extended till passing of the fresh order.

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

4. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

T.TUDU