

IN THE HIGH COURT OF ORISSA AT CUTTACK

O.J.C. No.4347 of 2002

Goura Chandra Mohpatra & Anr. ***Petitioner(s)***

Mr. A.P.Bose,
Advocate

-versus-

Shankaratri Annapurna & Ors. ***Opposite Party(s)***

Mr.N.K.Sahoo,
Advocate

**CORAM:
JUSTICE BISWANATH RATH**

ORDER
11.04.2022

Order No.

12. 1. The writ petition involves a challenge to the order of the Revisional Authority in passing the order at Annexure-2 in OLR Revision No.2/99 in reversal of the order of Appellate Authority in Appeal Case No.4/97.
2. In course of submission, through material particular it has been brought to the notice of this Court that involving the declaration of ceiling surplus, there was consideration of the matter involving Objection Case No.4776/698 being raised by Opposite Party Nos. 1 to 3. It also comes to the notice that in the conclusion of the OLR Case No.180/74 on 05.01.1988, there has been clear direction for exclusion of Ac.1.40 dec. of M.S. Plot No.1600 under Khata No.89. In the meantime consolidation operation took place in the area. Perusal of the order passed in OLR Case No. 180/74, this Court again finds that there has been three inquiry reports all appears to be indicating on the holding of the disputed land by Opposite Party Nos. 1 to 3 herein. Matter did not end here, while the matter stood thus consolidation operation took place in the locality. An encroachment proceeding was

also initiated involving the Opposite Party Nos. 1 to 3 and the same was registered as Encroachment Case No.128/86. This Encroachment Proceeding again came to an end by order dated 05.01.1988 observing that Petitioners have right to stay over the disputed property by virtue of the order involving OLR Case No.180/74. In the meantime consolidation operation initiated in the locality as clearly disclosed in Annexure-2 of the written note of submission of the Opposite Party Nos. 1 to 3 that there is determination of right, title and interest in favour of the petitioner involving the disputed property in favour of Opposite Party Nos. 1 to 3. Mr. Bose, appearing for the petitioner submits that this development was not brought on record even till appeal stage involved herein and brought only in the Revision stage. This Court here finds inspite of knowledge on the development through the Consolidation Proceeding and Encroachment Proceeding both prior to year 2000, there is no challenge involving all these orders and both orders remain final.

3. As appears, consolidation operation was initiated in the locality as clearly disclosed in the revision and brought vide Annexure-4 to the written note of submission by Opposite Party Nos. 1 to 3. On 07.06.1989 the Consolidation Officer allowed the Objection Case No.4776/698 thereby declaring the right, title and interest of the Opposite Party Nos. 1 to 3 over the disputed land in question. It is here, Mr. Bose, learned counsel alleged that the Petitioners herein were not parties to such proceeding. Be that as it may, in the revision involved in the writ petition by way of impugned order all the above aspects having been brought, the Revisional Authority taking into account the above developments has come to interfere with the appeal order and confirmed the order of the Tahasildar therein by settling the case land in favour of the Opposite Party Nos. 1 to 3. It is, at this stage of the

matter, this Court observed that since the order passed in Objection Case No.4776/698 remains unchallenged, the Revisional Authority was bound to accept the development through the Consolidation Proceeding and in absence of any challenge to such order, this Court again finds, the parties herein also remain bound by such developments.

4 In the circumstance, this Court finds, there is no infirmity in the revisional order and while dismissing the writ application, this Court observes, in the event the Petitioners have any other recourse and if the Petitioners initiate any such proceeding, the same shall be decided in accordance with law.

5. Writ Petition stands dismissed.

(Biswanath Rath)
Judge

