

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.1129 OF 2004

Bisunath Badatya

....

Petitioner(s)

Mr.S.Dash,
Advocate

-versus-

State of Orissa and others

....

Opposite Party(s)

Mr.U.K.Sahoo,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
24.08.2022

Order No.

07.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves a challenge to the order dated 09.01.2002 involving under Section 37(1) of the O.C.H. & P.F.L. Act. Considering the prayer and the submission made herein, this Court finds the order dated 09.01.2002 impugned herein reads as follows:-

“A petition has been filed u/s 37(1) of the O.C.H. & P.F.L. Act, 1972 by on Shri Biswanath Badatya of village Angu on dated 25.9.2001. A.C.O./ B.C. to check the petition and issue notice to the parties concerned to appear on dated if it is order of ask the petitioner to comply. Register the case and put up on 4.2.2002 for hearing on admission/ maintainability/merit. Send a copy of the petition to the respondent/ Respondents along with the notice.

Notice duly served. SR back. Petitioner is present. Respondent absent. PWR received. C.O. reports that the petitioner has filed the case on wrong land schedule. Heard. Petitioner admits the wrong schedule,
Petition rejected.”

Similarly this Court again finds there is involvement of Section 37(1) order in another Revision No.821 of 2001 involving the order dated 10.01.2002 reads as follows:-

“A petition has been filed u/s 37(1) of the O.C.H. & P.F.L. Act, 1972 by on Shri Biswanath Badatya of village Angu on dated 25.9.2001. A.C.O./ B.C. to check the petition and issue notice to the parties concerned to appear on dated if it is order of ask the petitioner to comply. Register the case and put up on 4.2.2002 for hearing on admission/ maintainability/merit. Send a copy of the petition to the respondent/ Respondents along with the notice.

Notice duly served. SR back. Petitioner is present. Respondent is present. PWR submitted. Petitioner has filed the case on wrong land schedule which he admits after perusal of his Settlement ROR and Consolidation ROR. So the case is dismissed.”

3. This Court finds the prayer in the Writ Petition is as follows:-

“In the aforesaid circumstance it is most humbly prayed that the Hon’ble Court to be graciously enough to pass order of Stay of Annexure-3 order dated 9.1.2002 passed by the Opposite Party No.1

AND

Pass any other order as this Hon’ble Court deem fit and proper

AND

For this act of kindness the petitioner shall as in duty bound ever pray.”

4. Considering the submission and looking to the prayer and on perusal of both the orders taken into account hereinabove, this Court finds, there was clear admission of committing wrong and providing wrong schedule by the Petitioner himself, resulting dismissal of the 37(1) proceedings. There is no difficulty in passing such order since it is based on admission of the Petitioner himself requiring no scope of interfering in such order.

(Biswanath Rath)
Judge