

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

**WP(C) NO.11557 OF 2010**

***Bishnu Charan Swain & anr.***

....

***Petitioners***

Mr.S.K.Dash, Adv.

*-versus-*

***Surendranath Swain & ors.***

....

***Opposite Party(s)***

Mr.S.P.Panda, AGA

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER  
19.12.2022**

**Order No.**

- 6.
1. Heard learned counsel for the Parties.
  2. The Writ Petition involves the impugned order at Annexure-9 involving the remand direction by the Commissioner, consolidation & Settlement, Board of Revenue, Cuttack while exercising his power under Section 15(b) of the O.S.S. Act. This Court in a number cases has already come to hold that once power is delegated to the Commissioner, the Commissioner cannot re-delegate such power to the Tahasildar.
  3. In the circumstance, this Court finding the remand of the proceeding in R.P. Case No.113 of 2005 against law interferes with the same and setting aside the order at Annexure-9 remits the matter

to the Commissioner, Consolidation & Settlement, Board of Revenue, Cuttack for re-disposal of the proceeding by itself.

4. The Writ Petition thus stands disposed of.

**(Biswanath Rath)**  
**Judge**

*M.K.Rout*

