

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.9872 of 2004

Ananta Charan Digar

....

Petitioner(s).

Mr.P.Kar, Advocate

-versus-

Gula Digar & Ors.

....

Opposite Party(s)

Mr.S.P.Mishra,

Advocate

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.09.2022**

Order No.

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1. Heard learned counsel appearing for the parties.
2. This matter involves allowing of application under Section 23 of the O.L.R. Act in the original stage. But however, such order has been reversed in appeal and appeal order is confirmed in revision. On bare perusal of materials available on record and also taking into consideration in the event demonstrated through Annexure-1, this Court finds status of land involving Gharabari-1. Now looking to the protection of land involving O.L.R. Act which also keeping in view Section 23-A of the Act, this Court finds the provision at Section 23-A cannot apply to the Gharabari land. This Court finds the proceeding 23 was not entertainable even though the Appellate Authority, Revisional Authority moved in different direction. Accordingly, there is no scope for interfering in the impugned orders. Writ petition thus dismissed.

(Biswanath Rath)
Judge