

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.9568 of 2003

Narendra Prasad Das

....

Petitioner(s)
Mr. D.P. Mohanty,
Advocate

-versus-

Niranjan Jena & Ors.

....

Opposite Party(s)
None

CORAM:
JUSTICE BISWANATH RATH
ORDER
23.08.2022

Order No.

6. 1. Heard learned counsel for the Petitioner. In spite of notice it appears the contesting Opposite Parties are not appearing. This matter is, therefore, decided only on contest of the Petitioner.
2. Challenge to the impugned order is made only on the ground of not providing opportunity of natural justice prior to disposal of the matter finally.
3. On perusal of the entire order-sheet at Annexure-5 more particularly at page 64, 65 & 66 of the brief, this Court finds, there was never appearance of the Petitioners therein, who are the Opposite Parties herein, even including on the date of allowing of the revision. None of the parties have also appeared therein on the date of final disposal. It is strange to find that a revision U/s.36 of the O.C.H. & P.F.L has been disposed of without involvement of the parties. Looking to the nature of the proceeding U/s.36 of the O.C.H. & P.F.L., this Court is of the opinion that as the revision is a last resort for the parties in revenue side, nothing prevented the

competent authority to provide one more opportunity to the parties before deciding the matter finally, may be on imposition of cost.

In the circumstance, this Court interfering in the impugned order at Annexure-5 sets aside the same and since the matter requires fresh adjudication in the involvement of the parties, this Court remits the matter to the Joint, Commissioner, Consolidation, Balasore for re-adjudication of the Revision Case No.247/2002 but however in the involvement of all the parties concerned.

4. The Petitioner is directed to appear before the Joint, Commissioner, Consolidation, Balasore alongwith a certified copy of this order on 12th September, 2022 and the Joint, Commissioner, Consolidation, Balasore is directed to first issue notice to the Petitioners therein and the Private Opposite Parties herein before deciding the matter finally.

5. The writ petition stands disposed of with the above order.

(Biswanath Rath)
Judge