

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.4999 of 2003

Kailash Chandra Mallick & Anr. ***Petitioner(s).***
Mr.D.Chatterjee, Advocate

-Versus-

Commissioner, Consolidation & Ors. ***Opposite Party(s)***
Mr.S.Ghose, AGA
Mr.R.K.Mohanty, Sr.Advocate

**CORAM:
JUSTICE BISWANATH RATH**

ORDER
22.09.2022

Order No.
09

1. Heard learned counsel appearing for the parties
2. Impugned order of the revisional court is challenged claiming to have made the submissions, as narrated in paragraphs-13 & 14 and on the grounds taken in paragraph-17 onwards. During course of hearing, after involving the counsels to argue at length, this Court wanted to find from the revisional order at least to have a trace as to whether the grounds raised herein is raised in the revision proceeding or not? Learned counsel appearing for the petitioner submits that there is indication on above in the discussions of the case of the party, particularly opposite party nos.3 and 4 therein, paragraph-3 and in the observation of the court at paragraph-4. Entire reading of the same, this Court nowhere finds the availability of such grounds. Petitioners claim they have filed written note and taken such grounds there. There is no written notes of submission available on record. In the circumstance, this Court is of the opinion that the grounds unless agitated in appropriate time and asking the court to adjudicate

the same, the writ petition with surprise ground cannot be entertainable in a writ jurisdiction in exercise of power under Article 227 of the Constitution of India. This Court this affirms the order of the revisional authority so far it relates to Ac.0.33 decimals of land. It is at this stage, Mr.Chatterjee, learned counsel attempted to take support of some of the judgments of this Court. For the observation made hereinabove, this Court finds, the judgments do not have support to the case of the petitioner. Consequently the writ petition stands dismissed.

sks



(Biswanath Rath)
Judge