

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 1054 OF 2022

Birendra Sundaray and others ***Petitioners***
Mr.Bighnaraj Rath, Advocate

-versus-

State of Odisha and others ***Opp. Parties***
Mr.Sarojananda Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
10.02.2022

1. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition pray for a direction to the Tahasildar, Khurda-Opposite Party No. 2 to implement the order dated 30th July, 2021 (Annexure-1) passed by the Commissioner Consolidation, Bhubaneswar in R.C. No. 65 of 2021.
3. It is submitted by Mr. Rath, learned counsel for the Petitioners vide W.L. Case No. 1840 of 1974, lease of Sabik Plot No. 12/1187 under Sabik Khata No. 414/43 to an extent of area Ac. 0.500 decimals in Mouza Daleiput under Khurda Tahasil in the district of Khurda was granted in the name of their predecessor, namely, Sauri Dei. During consolidation operation, they could not take steps for recording of the land in their name. Their predecessor has already expired in the meantime. Thus, the R.O.R. was erroneously prepared in the name of the Government under 'Abadajogya Anabadi Khata' in Hal Plot No. 41 under Hal Khata No. 653 of the said Mouza. Assailing the same, the Petitioners filed a revision under Section 37(1) of the Odisha Consolidation of Holdings

and Prevention of Fragmentation Land Act, 1972 before the Commissioner Consolidation and Settlement, Odisha, Bhubaneswar. Upon hearing to the learned counsel for the parties and considering the materials on record, the Commissioner vide his order dated 30th July, 2021 passed the following order:

“In view of the above, the claim of the Petitioners in this writ petition merits consideration. Hence, I am inclined to allow the Revision Case No. 65 of 2021 in favour of the Petitioners.

The Tahasildar, Khurda is directed to verify all the relevant documents and make Sabik-Hal Comparison and take away area Ac. 0.500dec. out of Ac. 2.000dec. from Hal Plot No. 41 under Hal Khata No. 653, and record the same in favour of Petitioners by creating a separate Khata under sthitiban status with fixation of rent and cess etc. after verification of genuineness of all the records following due process of law.

According the R.C. No. 65 of 2021 is hereby disposed of.”

But the Tahasildar, Khurda is not taking any step to implement such direction. Hence, this writ petition has been filed.

5. Mr. Mishra, learned Additional Government Advocate submits that he has no instruction in the matter and prays for an adjournment to obtain the same.

6. Taking into consideration the innocuous nature of the prayer made in this writ petition, this Court disposes of this writ petition with a direction that on production of certified copy of this order before the Tahasildar, Khurda-Opposite Party No. 2 along with a copy of the order passed in R.C. No. 65 of 2021 within a period of two weeks hence, he shall do well to take steps to implement the order passed in R.C. No. 65 of 2021, as expeditiously as possible preferably within a

period of four months therefrom and communicate the same to the Petitioners forthwith, if there is no legal impediment.

Urgent certified copy of this order be granted on proper application.

(K.R.Mohapatra)
Judge

bks/ms

