

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 24933 of 2014

Girija Shankar Mohanty ***Petitioner***

Mr. Sourav Suman Bhuyan, Advocate
on behalf of Mr. Bibekananda Bhuyan, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
06.05.2022

Order No.

5. 1. This matter is taken up through Hybrid mode.
2. The matter was not in the cause list of the day. Taking into consideration the submission of Mr. Bhuyan, learned counsel for the Petitioner to the effect that similar matter in W.P.(C) No.24934 of 2014 is listed today in the supplementary cause list, this writ petition is taken up in the special list.
3. Petitioner in this writ petition seeks to assail the order dated 30th December, 2012 (Annexure-6) passed by Assistant Settlement Officer, Khordha, Camp at Rental Colony, Bhubaneswar (now functioning at Major Settlement Office, Jobra, Cuttack)-Opposite Party No.3 in Objection Case No.396/36 of 2012.
4. In course of hearing, Mr. Mishra, learned ASC submits that the land in question pertains to mouza Krushnanagar in respect of which final ROR under Section 12-B of the Odisha Survey and Settlement Act, 1958 (for short, 'the Act') has already been published on 23rd September, 2013.

5. In that view of the matter, Mr. Bhuyan, learned counsel for the Petitioner submits that since final ROR has already been published in respect of mouza Krushnanagar, interest of justice will be best served if the Petitioner moves the revisional authority under Section 15(b) of the Act assailing the correctness of the ROR and prays for withdrawal of the writ petition. He, however, submits that the revisional authority may consider the revision on merit without insisting upon the delay in filing the revision petition.

6. Considering such submission, the writ petition is disposed of as withdrawn. It is, however, observed that if the revision petition is filed within a period of four weeks hence, the revisional authority may construe the delay liberally taking into consideration the pendency of the writ petition before this Court since 18th December, 2014 till date along with other grounds, if any, taken.

7. Certified copy of Annexure-6 shall be returned to learned counsel for the Petitioner on being substituted with attested photocopy thereof.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge