

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.11801 OF 2013

Mahendra Nath Parida

....

Petitioner(s)

Mr.S.K. Patra,
Advocate

-versus-

State of Odisha & others

....

Opposite Party(s)

Mr. S.P. Panda,
AGA
MR. A. Routray,
Advocate

CORAM:
JUSTICE BISWANATH RATH

ORDER
29.06.2022

Order No.

07.

1. Heard learned counsel for the Parties.
2. For his challenge to the order at Annexure-3 passed by the Revisional Authority Mr. Tripathy, learned counsel appearing on behalf of the for Petitioners, referring to full Court of judgment of this Court in the case of ***Gulzar Khan Vs. Commissioner of Consolidation and others reported in 1993 (II) OLR-194*** drawing the attention of this Court to the observation therein contended the revisional order is against such settled position of law/ decision indicated herein above. There is no dispute in bar on the entertainibility of the revision in the stage it was moved for the settled position of law through 1993 (II) OLR-194. It is at this stage of the matter Mr. Routray learned counsel for the private Opposite Parties attempted to justify the impugned order also on merit.
3. Taking this Court to the discussions made in the para-4 therein, considering such submission, this Court finds the revision has been dismissed on technical ground, it is for the Revisional Authority to

consider the aspects raised by the private Opposite Parties. This Court since finds the Revisional order becomes barred for the settled position of law through 1993 (II) OLR-194 thus interferes in the order at Annexure-9, setting aside the order at Annexure-3 remit the Revision Case No. 252 of 2011 for hearing of the revision on merit. Let either of the party brings the order of this Court to the notice of Revisional Authority at least within a period of ten days and the Revisional Authority is directed to enter into fresh exercise in disposal of Revision involved herein also involving the parties. Both the Parties are directed to appear before the Authority on 12th July, 2022. Parties are also at liberty to raise all such grounds available to them for consideration of the revisional Court.

4. With the above direction, this Writ Petition stands disposed of. Revision shall also be disposed of within a period of six months from the date of appearance.

(Biswanath Rath)
Judge

Swarna