

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 1318 OF 2022

Roshni Tolani

.... ***Petitioner***

Mr. Prasanta Kumar Satapathy,
Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***

Mr. B. Sahoo, Advocate
(For Opp. Party No.5)
Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
22.03.2022

Order No.

3. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the order dated 1st December, 2021 (Annexure-1) passed by the Additional District Magistrate, Sundargarh in Revenue Appeal No. 19 of 2018 filed under Section 58 of the O.L.R. Act, 1960 (for short 'the Act').
3. Mr. Satapathy, learned counsel for the Petitioner submits that objection of the Petitioner with regard to maintainability of the proceeding under the Act was rejected on the ground that the case was initiated by the O.S.D.(LR), Sundargarh under the provisions of the Orissa Schedule Areas Transfer of Immovable Property (By Scheduled Tribe) Regulations, 1956. Such an observation is completely misconceived as the proceeding was initiated under Section 23 of the Act.
4. In course of hearing, Mr. Satapathy, learned counsel for the Petitioner submits that interest of justice will be best served, if the issue with regard to maintainability of the proceeding is kept open

to be considered at the time of adjudication of the Revenue Appeal No.19 of 2018.

5. Mr. Sahoo, learned counsel for the Opposite Party No.5 does not have any objection to the same. He, however, submits that the revenue appeal may be directed to be disposed of at an early date to prevent further harassment of the contesting Opposite Parties.

6. Mr. Mishra, learned Additional Standing Counsel submits that since the revenue appeal is pending since 2018, the Additional District Magistrate, Sundargarh should make an endeavour for early disposal of the same in accordance with law, if there is no legal impediment.

7. In view of the above, this writ petition is disposed of with a direction that the Additional District Magistrate, Sundargarh shall consider the issue of maintainability of the proceeding under the Act, if raised at the time of hearing of the revenue appeal, without being influenced by the observation made in the impugned order under Annexure-1 and an endeavour shall also be made to dispose of Revenue Appeal No.19 of 2018 as expeditiously as possible preferably within a period of four months from the date of production of certified copy of this order, giving opportunity of hearing to the parties concerned, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge

bks