

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 20078 of 2009

Baripada Municipality & Anr.

....

Petitioner(s)
Mr.N.Panda-1,Adv.

-versus-

State of Orissa & Ors.

....

Opp.Party(s)
Mr.U.K.Sahoo, ASC.

CORAM:

JUSTICE BISWANATH RATH

ORDER

14.12.2022

Order
No.

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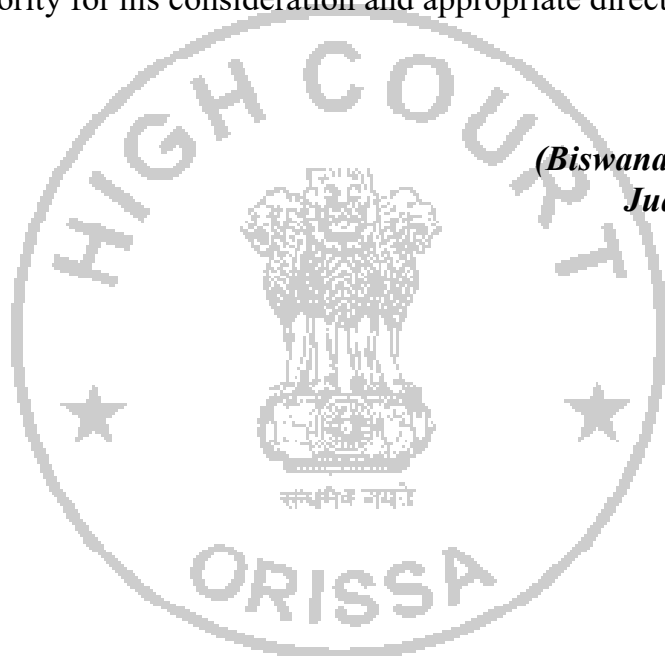
W.P.(C).Nos.20078 of 2009, 20079 of 2009 &
W.P.(C).No.5416 of 2010

1. All these writ petition involve the impugned order vide Annexures- 5 & 7, Annexure-5 and Annexures-11 and 8 respectively.
2. Moot question advanced, for the assailing of the impugned order herein being common appears to be, if the revisional authority in exercise of power under Section 15(b) of the Orissa Survey & Settlement Act is authorized to remit the matter to the Tahasildar for undertaking his own exercise in the disposal of the matter. This question has already been decided by this Court in several decisions and this Court is of the opinion looking to the nature of proceeding under Section 15(b) of the Orissa Survey & Settlement Act, , it is the revisional authority alone has to see the finality of such proceeding. In the dire necessity, the revisional authority may involve a report of the Tahasildar concerned.
3. In the circumstance, interfering in the direction of the Revisional Authority directing Tahasildar, Baripada to undertake such exercise, this Court sets aside the said observation vide impugned orders and for there is achieving finality to the revision proceeding by the Revisional Authority itself, remits the R.P.No.44 of 2003 and R.P.No. 91 of 2008 in W.P.(C).No.20078

and W.P.(C).No. 20079 of 2009 respectively and Mutation Appeal Case No.8 of 2004 in W.P.(C).No.5416 of 2010 back to the Revisional Authority for re-determination of the case involved herein. Consequently the order vide Annexure-5 in W.P.(C).Nos.20078, Annexure- 5 in 20079 of 2009 and Annexure-11 in W.P.(C).No.5416 of 2010 also go.

4. This Court here records the statement of the counsels in W.P.(C).No.20078 of 2009 that some of the property involved herein also involved in a Second Appeal pending in this Court. It is open to the parties to bring such development to the Revisional Authority for his consideration and appropriate direction.

Sks



(Biswanath Rath)
Judge