

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20994 of 2010

Sri Madhusudan Das & Others ***Petitioner***
Mr. Bansidhar Baug,
Advocate

-versus-

State of Orissa & Others ***Opp.Parties***
Mr.D.K.Mohanty, AGA

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK

ORDER
23.02.2022

Order No.

14.

I.A. No.12523 of 2019

1. This is an application for substitution.
2. It is stated that Opposite Party no.4 died during the pendency of this writ petition. The legal heirs of Opposite Party No.4 are already on record. In that view of the matter, the application for substitution are allowed. The names of the legal heirs in Schedule as indicated be brought on record.
3. Accordingly, the Interim Application is disposed of.

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4. The challenge is the present petition is to an order dated 20th April, 2000 passed by the Tahasildar Sadar, Balasore in S.R.F. Case No. 153 of 1987 as well as the order dated 9th

July, 2010 passed by the Sub-Collector, Balasore in R.F.A. No. 23 of 2000 as well as the consequential order dated 18.12.2010 by the Tahasildar, Balasore in the same S.R.F. Case No. 153 of 1987 carrying out the mutation in the record of rights (R.O.R.) pertaining to the suit land in favour of the Opp.Party No.4.

5. One of the first submissions made by Shri B.Baug, learned counsel appearing for the Petitioner is that the appellate order of the Sub-Collector, Balasore was entirely without jurisdiction. He submitted that no appeal is maintainable under Section 9 of the Orissa Estate Abolition Act against such an order of the Tahasildar.

6. Learned counsel for the Opp.Party does not contest the legal position that no appeal was maintainable against the order of the Tahasildar. The said appeal was filed by the Opposite party No.4. In view of the above statement, the impugned order dated 19th July, 2010 of the Sub-Collector, Balasore in R.F.A. No. 23 of 2000 is hereby set aside. As a result of the above directions, the consequential order dated 18.11.2010 of the Tahasildar, Balasore is also hereby set aside.

7. Liberty is granted to legal heirs of opposite party No.4 to question the order dated 20th April, 2010 of the Tahasildar, Sadar, Balasore in S.R.F. Case No. 153 of 1987 in

appropriate proceeding before the Board of Revenue in accordance with law.

8. The writ petition is disposed of in the above such terms.

9. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

