

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 9259 of 2009

Kuntala Satpathy & Ors.

....

Petitioner(s)
Mr.S.P.Mishra, Sr.Adv.

-versus-

*The Commissioner, Consolidation, Orissa
& Ors.*

Opp.Party(s)
Mr.S.Mishra, ASC.
Mr.D.P.Mohanty, Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER

06.12.2022

Order

No.

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1. Heard learned counsel appearing for the parties.
2. This writ petition involves a challenge to the common revisional order vide Anneexure-2 in undertaking an exercise under Section 37 (1) of the O.C.H & P.F.L. Act, 1972 and in the disposal of all revisions involved therein the revisional Court has come to direct remand of the proceeding to the original authority for adjudication under Section 11 of the Act. While remitting, the revisional authority has also observed the decision to come following the provision of law.
3. Considering there is a remand order involved also keeping in view the ground taken herein, this Court observes for the remand proceeding, it may be open to the petitioner to also raise the question of delay in initiating such proceeding. In the event such question is raised that will be also decided while deciding the other issues. This Court thus declines to interfere in the impugned order.
4. By vacating the interim order dated 14.07.2009, this Court directs the Consolidation Officer to revive the proceeding and undertake the hearing process but, however, after finding notice on all parties served.

5. The writ petition stands disposed of with the observation and direction made hereinabove.

(Biswanath Rath)
Judge

Sks

