

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2584 OF 2022

Jadumani Padhan and another ***Petitioners***
Mr. Dwarika Prasad Mohanty,
Advocate

-versus-

Ditikrushna Dash and others ***Opp. Parties***
Mr. Sumit Lal, Advocate
(For Opp. Party Nos.1 to 4)
Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opp. Party Nos.5 and 6)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
31.03.2022

Order No.

3.
 1. This matter is taken up through hybrid mode.
 2. The Petitioners in this writ petition seek to assail the order dated 17th February, 2021 (Annexure-3) by which the Additional Commissioner, Consolidation and Settlement, Sambalpur rejected an application for restoration of R.C. No. 100 of 2019.
 3. Mr. Mohanty, learned counsel for the Petitioners submits that due to non-appearance of the Petitioners, the revision petition was dismissed for default on 16th November, 2020. But, on the prayer of the Petitioners, the revision petition was restored to file vide order dated 14th December, 2020. It was subsequently taken up on 13th January, 2021 on which date both the parties appeared and the case was adjourned to 27th January, 2021 for hearing on the question of maintainability of the revision petition. On 27th January, 2021, the matter was heard on the question of maintainability of the revision

petition and delivery of orders thereon was reserved. But, astonishingly the matter was taken up on 17th February, 2021 and the impugned order has been passed dismissing the petition for restoration of the revision petition filed by the Petitioners and accordingly, the revision petition was disposed of.

4. Mr. Mohanty, learned counsel for the Petitioners further submits that when the matter had already been restored vide order dated 14th December, 2020, the petition for restoration of the revision petition could not have been taken up again on 17th February, 2021 and the impugned order could not have been passed. Hence, he prays for setting aside the impugned order under Annexure-3 and to direct the Additional Commissioner, Consolidation and Settlement, Sambalpur to take up the matter from the stage as it was on 13th January, 2021.

5. Mr. Lal, learned counsel for the Opposite Party Nos.1 to 4 fairly concedes that the impugned order under Annexure-3 is not sustainable in the eyes of law, more particularly when the matter was posted to 13th January, 2021 for hearing on the question of maintainability of the revision petition and vide order dated 27th January, 2021, delivery of orders thereon was reserved. Thus, the petition for restoration of the revision petition was no more available to be considered, as the revision petition has already been restored since 14th February, 2020.

6. In view of the submissions of learned counsel for the parties, the impugned order under Annexure-3 is set aside and the matter is remitted back to the Additional Commissioner, Consolidation and Settlement, Sambalpur-Opposite Party No.6 to hear the revision petition in R.C. No. 100 of 2019 on the issue of maintainability

giving opportunity of hearing to the parties concerned and pass a reasoned order thereon in accordance with law expeditiously.

7. With the aforesaid observation and direction, this writ petition is disposed of.

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

(K.R. Mohapatra)
Judge

bks

