

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2805 of 2022

Smt. Mathura Sahu

..... Petitioner

Mr.Niranjana Panda, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

24.02.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 21st August, 2008 (Annexure-4) passed by the Joint Commissioner, Settlement and Consolidation, Sambalpur- Opposite Party No.2 in RP No.366 of 2006 filed by the State- Opposite Parties under Section 15(b) of the Odisha Survey and Settlement Act, 1958.
3. It is submitted by Mr. Panda, learned counsel that although the Petitioner was served with the notice and participated in the proceeding, but on the date of hearing she could not make herself available to participate in the hearing. The impugned order has been passed basing upon a gift deed. It is submitted that the validity of the gift deed should not have been adjudicated by the Settlement authorities. Had she participated in the hearing of the case, she could have defended her case. Hence, he prays for setting aside the impugned order.

4. In course of hearing, Mr. Panda, learned counsel for the Petitioner submits in view of ratio decided in the case of ***Smt. Bijaya Chatterjee –v- Commissioner, Land Records and Settlement, Orissa and Others*** reported in 2000 (II) OLR 349, every Court has power to recall its own order. Hence, he submits interest of justice will be best served if the Petitioner makes an application for recall of the impugned order stating the grounds therein which can be considered effectively by the Commissioner. As such, he prays for withdrawal of the writ petition to move such an application.

5. Considering such submission, the writ petition is disposed of as withdrawn.

(K.R. Mohapatra)
Judge

