

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO.1945 OF 2017

Jahir Hussain Khan & ors.

....

Petitioners

Mr.S.K.Nayak, Adv.

-versus-

***Director, Consolidation, Odisha,
Cuttack & ors.***

....

Opposite Parties

Mr.U.K.Sahoo, ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
24.6.2022

Order No.

8

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“The Petitioners, therefore, prayed that the Hon’ble Court be pleased to admit this Writ Application and after hearing the Petitioners’ Advocate, issue a Writ in nature of certiorari or any other suitable Writ quashing the order dt.1.3.2014 passed by the Director, Consolidation Officer, vide Annexure-5 and order dt.5.6.2014 passed by the Additional Sub-Collector-cum-Consolidation Officer, vide Annexure-6 and order dt.15.7.2016 passed by the Deputy Director, Consolidation Officer, vide Annexure-7 respectively..”

3. Challenging the orders at Annexure-5 to 7, learned counsel for the Petitioners in his challenge to the orders involved herein referring to the appellate order at Annexure-7 contended that the Appeal preferred by the Appellant was dismissed for being barred in view of the Notification brought in by the Government of Orissa on

1.2.2014. It is only on this plea itself, a claim is made by the learned counsel for the Petitioner that once the Notification dated 1.2.2014 came into effect on the date of Notification, even though the Revision at Annexure-5 was filed some time in 2013 but for being disposed of on 1st March, 2014 after the date of Notification, vide Annexure-8, the Director, Consolidation had no jurisdiction to entertain such Revision. The Revision ought to have been dismissed on this ground. As a consequence, learned counsel for the Petitioner claimed for taking out the order at Annexure-6 for being barred by Notification.

4. Mr.U.K.Sahoo, learned Additional Standing Counsel for the Opposite Parties referring to the counter averments though attempted to justify the impugned orders but there is however no dispute by bringing in the Notification under Annexure-8 on 1.2.2014 and restricting the further continuance of the Revision.

5. For the opinion of this Court, once the Notification dated 1.2.2014 came into play, there was no scope for entertaining the Revision under Section 37(2) of the OCH & PFL Act. This Court finds, on the date of disposal the Revision under Section 37(2) of the OCH & PFL Act was per say not entertainable. As a consequence, the order involving R.P. Case No.1074/2013 at Annexure-5, so far

as the present Petitioners are concerned, is not sustainable for no Revision entertainable at that point of time. As a consequence of this, the appellate order, vide Annexure-6 also does not survive.

6. In the result, this Court allowing the Writ Petition sets aside the orders at Annexure-5 and 6, so far as the present Petitioners are concerned.

(Biswanath Rath)
Judge

M.K.Rout

