

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 4056 OF 2022

Manas Ranjan Parida

....

Petitioner

Mr. Brahmananda Tripathy,
Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.04.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 4th August, 2021 passed in R.P. No.423 of 2019 filed by Opposite Party Nos. 4 and 5 under Section 15(b) of the Odisha Survey and Settlement Act, 1958.
3. Mr. Tripathy, learned counsel for the Petitioner submits that the Petitioner was impleaded as Opposite Party No.3 to the revision petition and the matter was posted to 4th August, 2021 on which date no adverse order could have been passed due to outbreak of COVID-19. Accordingly, the Petitioner was intimated that the matter will be taken up on 17th November, 2021. But, to the misfortune of the present Petitioner when he appeared before the Revisional Court on 17th November, 2021 came to know that the matter was disposed of on merit on 4th August, 2021 recording that learned counsel for the Petitioner and Additional State Counsel are present. In that view of the matter, the Petitioner could not get an opportunity to defend his case before the Revisional Court. As such, he prays for setting aside the impugned

order and to remit the matter back to the Revisional Court for fresh adjudication giving him an opportunity of hearing.

4. Mr. Mishra, learned Additional Government Advocate submits that the allegation made in the writ petition requires factual adjudication. If the Petitioner has any grievance with regard to non-compliance of principles of natural justice, he should have approached the Revisional Court before filing this writ petition. Hence, he prays for dismissal of the writ petition as not maintainable.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that allegation made by the Petitioner, as stated above requires factual adjudication. Thus, the Additional Commissioner, Settlement and Consolidation, Cuttack before whom R.P. No.423 of 2019 was disposed of, can effectively adjudicate the same, if a petition in that regard is filed.

6. In view of the above, this Court is not inclined to entertain the writ petition. This writ petition is accordingly dismissed.

7. It is made clear that dismissal of the writ petition shall not preclude the Petitioner from filing a petition before the Additional Commissioner, Settlement and Consolidation, Cuttack for recall of the order dated 4th August, 2021 by which R.P. No.423 of 2019 was disposed of.

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

(K.R. Mohapatra)
Judge

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