

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 4091 OF 2022

Balaram Dash

.....

Petitioner

Ms. Padmalaya Jena, Advocate

-versus-

***The Commissioner, Survey, Settlement
and Land Records, Odisha, Cuttack and
others***

....

Opp. Parties

Mr. Sarojananda Mishra,
Additional Government Advocate

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
16.05.2022**

Order No.

4. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 22nd March, 2013 passed by the Settlement Officer, Cuttack in Appeal (Suit) No.76 of 2009.
3. Although there is a delay of more than eight years in assailing the impugned order, the same has not been satisfactorily explained in the writ petition.
4. Ms. Jena, learned counsel for the Petitioner submits that delay has been explained in para-10 of the writ petition, which reads as under:

“That, it is humbly submitted here that wrongly the petitioner’s plot merged in one Khata and vide order dtd. 10.4.2008 passed in O.J.C. No.4819/1995, the same was directed to be recorded in the name of said Halu Barik. The Petitioner however filed W.P.(C) No. 2814/2015 seeking modification of the order dtd.10.4.2008 passed in OJC No.4819/1995 in which

this Hon'ble Court was pleased to grant interim order of status quo with regard to the petitioner's plot vide order dtd.19.3.2015. But, as the Settlement operation is going on, the petitioner again approached the authorities vide settlement case No.142/2017 seeking recording of the case land in his favour. But, the authorities did not pursue with the case as an order of "status quo" was there and the matter was subjudice before this Hon'ble Court as a result of which the petitioner withdrew the case i.e. W.P.(C) No.2814/2015 and this Hon'ble Court vide order dtd.3.8.2021 dismissed the writ application as withdrawn. After withdrawal of the W.P.(C) No.2814/2015 though there is no impediment on the part of the Settlement authorities to decide the case on the basis of order passed in O.E.A. Case No.1139/1969 and Regd. Gift Deed dtd. 9.8.2021 executed by Krushna Chandra Das in favour of the petitioner, but the authorities are sitting tight over the matter for the reasons best known to them."

5. The grounds taken in para-10 of the writ petition do not in any way to help the Petitioner in explaining the delay in filing the writ petition. On perusal of the impugned order, it appears that the Petitioner was the Appellant in the appeal and he had knowledge about the impugned order. But, for the reasons best known, he did not challenge the same in the appropriate forum within a reasonable time.
6. In that view of the matter, I am not inclined to entertain the writ petition, which is accordingly dismissed.
7. The case of record of W.P.(C) No. 2814 of 2015 be sent back to the concerned section forthwith.

(K.R. Mohapatra)
Judge