

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.91 of 2017

State of Odisha

....

Appellant

Mr. Debakanta Mohanty

Additional Government Advocate

-versus-

Deba Parida

....

Respondent

None

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

17.10.2022

Order No.

Misc. Case No.157 of 2017

02. 1. For the reasons stated therein, the delay in filing the writ appeal is hereby condoned.
2. The application for condonation of delay is allowed.

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3. The challenge in the present writ appeal is to an order dated 8th February 2017, passed by the learned Single Judge rejecting the W.P.(C) No.14468 of 2012 filed by the present Appellant questioning an order dated 15th February, 2011, passed by the learned Additional Commissioner, Settlement & Consolidation, Cuttack in R.P. Case No.609 of 2009.

4. There were two grounds urged by the Appellant before the learned Single Judge. One was that the delay in the Respondent

filing the revision petition had been condoned without notice to the parties. Secondly, it was contended that there was no appearance of the State in the revision petition and it had been decided in its absence.

5. The learned Single Judge, having perused the records and the entire order sheet, found factually that the presence of the counsel for the State was recorded in those proceedings. Consequently, it was not correct that the impugned order by the Additional Commissioner had been passed without participation of the State Counsel. Further, it was found that a portion of the very disputed land had been acquired and for which, land acquisition proceedings had been initiated and compensation paid to the private Opposite Parties. For this reason also by claim of the State, was held to be untenable.

6. Having heard learned Additional Government Advocate (AGA) for the State and having perused the impugned order of the learned Single Judge and the documents on record, the Court is unable to find any ground to interfere with the order of the learned Single Judge. The appeal is accordingly dismissed but in the circumstances with no order as to costs.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge