

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 4474 OF 2022

Shantilata Patel @ Putel and others* *Petitioners

Mr. Debendra Kumar Sahoo,
Advocate

-versus-

***Member, Board of Revenue, Odisha,* *Opp. Parties*
Cuttack and another**

Mr. Dillip Kumar Mishra,
Additional Government Advocate

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

**ORDER
22.02.2022**

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioners in this writ petition seek for a direction for early disposal of OLR R.C. No.43 of 1994, which is stated to be pending before learned Member, Board of Revenue, Odisha, Cuttack.
 3. It is submitted by Mr. Sahoo, learned counsel that the Petitioners have purchased a parcel of land, which has been declared as ceiling surplus holding of the land owner. Hence, they have filed an application for intervention, which is allowed and they have been impleaded as Opposite Parties in OLR R.C. Case No.43 of 1994 initiated under Section 59(2) of the O.L.R. Act, 1960. It is his submission that due to want of service of notice on the legal heirs of the ceiling surplus land holder, the revision petition has not yet been disposed of. In that view of the matter, the Petitioners are deprived of enjoying their property independently and thus, they are seriously prejudiced.

4. Mr. Mishra, learned Additional Government Advocate submits that he has no instruction with regard to the status of the revision petition, but from a bare perusal of the order sheet of the revision case annexed to the writ petition as Annexure-5, it reveals that the matter is pending awaiting draft notice for paper publication from the Collector, Kalahandi. He, therefore, submits that the Collector, Kalahandi should take early steps to supply the report with regard to the legal heirs of the ceiling surplus land holder and also to produce the draft notice for publication in the newspaper, so that the revisional court can proceed with the matter.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that the Collector, Kalahandi-Opposite Party No.2 should take prompt steps to comply with the direction of learned Member, Board of Revenue, Odisha, Cuttack forthwith preferably within a period of three weeks from the date of production of certified copy of this order. The Collector, Kalahandi shall also submit the report as well as draft notice for publication in the newspaper within that period to the learned Member, Board of Revenue, Odisha, Cuttack. Upon receipt of the report as well as draft notice from the Collector, Kalahandi-Opposite Party No.2 as directed vide order dated 8th October, 2021, learned Member, Board of Revenue, Odisha, Cuttack shall proceed with the matter and make an endeavour for early disposal of OLR R.C. Case No.43 of 1994 as expeditiously as possible preferably within a period of six months therefrom.

6. With the aforesaid observation and direction, this writ petition is disposed of.

7. A copy of this order shall be supplied to Mr. Mishra, learned Additional Government for being communicated to the Collector, Kalahandi at Bhawanipatna as well as learned Member, Board of Revenue, Odisha, Cuttack.

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

(K.R. Mohapatra)
Judge

bks

