

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 4508 OF 2022

Rabindranath Choudhury and another* *Petitioners
Mr. Bibekananda Bhuyan,
Advocate

-versus-

State of Odisha and others* *Opp. Parties
Miss Deepali Mahapatra, Advocate
(For Opp. Party Nos. 10 to 15)
Mr. Swayambhu Mishra,
Additional Standing Counsel

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

**ORDER
22.03.2022**

Order No.

3. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition seek to assail the order dated 11th January, 2022 (Annexure-15) passed by the Land Reforms Commissioner, Board of Revenue, Odisha, Cuttack in Consolidation Revision No. 77 of 2020 filed by Opposite Party Nos.10 to 15 under Section 37(1) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 (for short 'the Act').
3. At the outset, Miss Mohapatra, learned counsel for the contesting Opposite Party Nos.10 to 15 submits that the revision petition was filed without impleading the recorded tenant, namely, Upendranath Panda, as party to the revision petition. But, in the meantime, said Upendranath Panda has already died and his legal heirs have a right to be heard in the revision petition. Hence, she fairly concedes that the impugned order under Annexure-15 is not

sustainable in the eyes of law and the same should be set aside and the matter may be remitted back to the Land Reforms Commissioner for fresh adjudication of the revision petition by impleading the legal heirs of the said Upendranath Panda as parties to the revision petition.

4. Mr. Bhuyan, learned counsel for the Petitioners does not have any objection to the same.

5. Taking into consideration the submissions of learned counsel for the parties, the impugned order under Annexure-15 is set aside and the matter is remitted back to the Land Reforms Commissioner, Board of Revenue, Odisha, Cuttack to adjudicate the Consolidation Revision Petition No. 77 of 2020 afresh by directing the Opposite Party Nos.10 to 15 to implead the legal heirs of the recorded tenant, namely, Upendranath Panda, as parties to the revision petition as well as Petitioner No.1, Sri Rabindranath Choudhury and dispose of the matter in accordance with law, giving the parties concerned an opportunity of hearing.

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

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

(K.R. Mohapatra)
Judge

bks