

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 4196 of 2019

Lokanath Behera

....

Petitioner

Mr. Soubhagya Sundar Das, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opposite Party Nos. 1 to 4)

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

**ORDER
05.04.2022**

Order No.

9. 1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 19th August, 2016 (Annexure-5) passed by the Revenue Divisional Commissioner (Northern Division), Sambalpur- Opposite Party No.2 in RP Case No.113 of 2011 filed under Section 15(b) of the Odisha Survey and Settlement Act, 1958 (for short, 'the Act').
3. It is submitted by Mr. Das, learned counsel for the Petitioner that the case of the Petitioner was not favourably considered by the revisional Court because of the judgment and decree passed by learned Civil Judge (Junior Division), Talcher in CS No.49 of 2006 as well as the judgment passed by learned Additional District Judge, Talcher in RFA No.22 of 2009 confirming the judgment and decree passed by the learned Civil Judge in the said Civil Suit. Mr. Das, learned counsel made his best endeavour to pursue this Court submitting that the

judgment and decree of the Civil Court referred to above, will not come on the way of the revisional Court in deciding the Revision Case No.113 of 2011. But the learned revisional Court, without delving into the matter in detail, dismissed the revision holding the aforesaid judgment and decree of Civil Court are passed against the Petitioner denying his title over the land in question.

4. It is not disputed that the land in question involved in the suit was also the subject matter of dispute in RP No.113 of 2011, in which the impugned order has been passed. It is also fairly conceded by Mr. Das, learned counsel for the Petitioner that the judgment passed in RFA No.22 of 2009 has not been challenged in any higher forum.

5. In that view of the matter, I am not inclined to interfere with the impugned order passed by the Revenue Divisional Commissioner (Northern Division), Sambalpur-Opposite Party No.2 in RP Case No.113 of 2011 under Annexure-5. Accordingly, the writ petition stands dismissed.

6. However, dismissal of the writ petition shall not preclude the Petitioner to work out his remedy in competent court in accordance with law.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge