

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5305 of 2022

Rama Krishna Pattanaik* *Petitioner

Mr. Suvashish Pattanaik, Advocate

-versus-

Commissioner, Consolidation and Settlement, Odisha and others* *Opp. Parties

Mr. D.K.Pani,
Additional Standing Counsel
(For Opposite Party Nos.1 and 2)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

03.03.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 29th July, 2017 (Annexure-1) passed by the Commissioner, Consolidation and Settlement, Odisha, Bhubaneswar in RC No.16 of 2022 filed by Opposite Party No.3-Bijay Kumar Pattanaik under Section 37(1) of the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 (for short, the 'Consolidation Act').
3. Mr. Pattanaik, learned counsel for the Petitioner submits that although the Petitioner was the sole Opposite Party in the said Revision Case he was not served with any notice. The consolidation ROR was published in the year 1981 in respect of the land in question and without serving any notice and without condoning the delay in filing the revision petition, the Commissioner, Consolidation and Settlement entertained the same and passed the impugned order directing to record the land in question in favour of Opposite Party No.3. It is his instruction that he could know about the impugned order only after the corrected

ROR was uploaded in the Bhulekh web portal of the State Government in the year 2022. In that view of the matter, he prays for setting aside the impugned order under Annexure-1 and to remit the matter back to learned Commissioner, Consolidation and Settlement, Odisha, Bhubaneswar for fresh adjudication giving opportunity of hearing to the parties concerned. It is further submitted that the name of the Petitioner has been wrongly described in the cause title of the revision petition.

4. Taking into consideration the allegation of the Petitioner that he was not served with any notice in the revision petition he should have approached the Commissioner for recall of the order and to give him opportunity of hearing. Adjudication of issue with regard to service of notice requires factual adjudication by scrutinizing materials on record.

5. In that view of the matter, this Court, disposes of the writ petition with an observation that in the event the Petitioner files an application for recall of order dated 29th July, 2017 (Annexure-1) within a period of two weeks hence along with certified copy of this order stating the grounds therein, the Commissioner, Consolidation and Settlement, Odisha, Bhubaneswar-Opposite Party No.1 may do well to consider the same in accordance with law giving opportunity of hearing to the parties concerned.

6. Certified copy of Annexure-1 shall be returned to the Petitioner on being substituted with attested photocopy thereof.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge