

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5755 of 2022

Anirudha Sahoo and others* *Petitioners

Mr.Prasanta Kumar Mohanty, Advocate

-versus-

Commissioner, Land Records and Settlement, Odisha, Cuttack and others* *Opp. Parties

Mr.Dilip Kumar Mishra,
Additional Government Advocate
(For Opposite Party Nos.1 and 2)

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

**ORDER
10.05.2022**

Order No.

2. 1. This matter is taken up through Hybrid mode.
2. 2. Petitioners in this writ petition seek to assail the order dated 22nd December, 2021 (Annexure-7) passed in Revision Petition No.153 of 2020, whereby Commissioner, Land Records and Settlement, Odisha, Cuttack-Opposite Party No.1 partially allowed the Revision Petition filed by the Petitioners under Section 15(b) of the Odisha Survey and Settlement Act, 1958 (for short, 'the Act').
3. 3. Mr. Mohanty, learned counsel for the Petitioners submits that the Petitioners filed Revision Petition for correction of configuration of map in respect of Hal Plot Nos.695 and 696 to an extent of Ac. 0.04 decimal and Ac.0.05 decimal respectively under Hal Khata No.175 published in the year 1996; so also the map published in the year 1925-26, in accordance with the map published in the year 1910-11 taking into consideration the physical possession. The Commissioner,

while adjudicating the matter, most erroneously did not take into consideration the map published in the year 1910-11.

3.1 It is his submission that although the area of the land in question remained intact, but the configuration of the map has been changed for which the Petitioners are likely to lose the land in question, over which their residential house situates. The Commissioner, without taking into consideration the real matter in controversy, directed the Tahasildar, Darpan-Opposite Party No.2 to conduct field enquiry by issuing notice to the boundary tenants and Petitioners as well as the land owners likely to be affected and after superimposition of the map as per map published in the year 1925-26 with that of the map of 1996 for correction if required. It is his submission that the error crept in the map of 1925-26. The Commissioner ought to have directed to compare and superimpose the map published in the year 1910-11 and 1925-26 with that of 1996 to find out the correct position. Accordingly, he prays for setting aside of the impugned order and to direct Tahasildar, Darpan to make field enquiry and correct the map of 1996 by superimposing it with map of 1910-11.

4. Mr. Mishra, learned AGA vehemently contends that the Commissioner, while exercising power under Section 15(b) of the Act, cannot go beyond the Sabik ROR. Since the Petitioners claim to compare the map of 1910-11 with that of 1996, the same is not within the scope of Section 15(b) of the Act. He, therefore, submits that the Commissioner, Land Records and Settlement, Odisha, Cuttack has committed no error in passing the impugned order under Annexure-7. As such, the writ petition merits no consideration.

5. Taking into consideration the rival contentions of the parties and on perusal of record, this Court finds that the Petitioners filed the Revision under Section 15(b) of the Act to correct the Hal map published in the year 1996 inconsonance with the settlement map published in the year 2010-11. After the settlement operation in the year 1925-26, ROR along with map has been corrected accordingly. Hence, I find force in the submission of Mr. Mishra, learned AGA. The Settlement Authority cannot go beyond the publication of ROR and map prepared in the last settlement. As it appears, after settlement operation of 1910-11 there has already been another settlement operation in the year 1925-26. Thus, the Commissioner has committed no error in directing the Tahasildar to superimpose the Sabik map published in the year 1925-26 with that of 1996 after issuance of notice to the opposite parties.

6. The writ petition, therefore, merits no consideration and is accordingly dismissed.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge