

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7114 of 2021

Sulochana Routray and others ***Petitioners***
Mr. Prafulla Kumar Rath, Advocate

-versus-

State of Odisha and others ***Opp. Parties***
Mr. Arun Kumar Mishra,
Additional Government Advocate
(For Opposite Party Nos.1 to 3)
Mr. Prasanta Kumar Satapathy, Advocate
(For Opposite Party Nos. 4 to 8)

W.P.(C) No.1690 of 2021

Antaryami Panda and others ***Petitioners***
Mr. Prasanta Kumar Satapathy, Advocate

-Versus-

State of Odisha and others ***Opp. Parties***
Mr. Arun Kumar Mishra,
Additional Government Advocate
(For Opposite Party Nos.1 to 5)
Mr. Prafulla Kumar Rath, Advocate
(For Opposite Party Nos. 6 to 11)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

14.02.2022

Order No.

IA No.3265 of 2021

7. 1. This matter is taken up through Hybrid mode.
2. This IA has been filed by Opposite Party No.6 to 11 for rehearing of the writ petition in W.P.(C) No.1690 of 2021 in terms of order dated 10th February, 2021 passed in Writ Appeal No.97 of 2021.
3. Accordingly, the W.P.(C) No.1690 of 2021 is revived by recalling order dated 20th January, 2021.

4. The IA is disposed of.

(K.R. Mohapatra)
Judge

8. **W.P.(C) No. 7114 of 2021 & W.P.(C) No.1690 of 2021**

1. Heard Mr. Satapathy, learned counsel for the Petitioners in WPC No.1690 of 2021 and Mr. Prafulla Kumar Rath, learned counsel for the Petitioner in W.P.(C) No.7114 of 2021 and the Mr. Mishra, learned AGA.

2. Pursuant to order passed today in IA No.3265 of 2021, W.P.(C) No.1690 of 2021 being revived is taken up along with W.P.(C) No.7114 of 2021 for disposal on the consent of learned counsel for the parties, as similar issues are involved in both the writ petitions.

3. Hence, this Court proceeds to pass a common order in both the writ petitions.

4. Writ Petition in W.P.(C) No.1690 of 2021 has been filed assailing the order dated 5th January, 2021 (Annexure-1) passed by Additional District Magistrate, Balasore in Settlement Revision Case No.1 of 2020 filed under Section 15(b) of the Odisha Survey and Settlement Act, 1958.

5. Writ Petition in W.P.(C) No.7114 of 2021 has been filed for a direction to the Tahasildar, Khaira-Opposite Party No.3 to initiate the proceeding for maintaining the ROR in respect of Hal Plot No.2266 under Hal Khata No.278 in mouza Haripur under Khaira tahasil in the name of the Government.

6. It is the submission of learned counsel for the parties that in respect of land in question involved in both the writ petitions, a Civil Suit in CS No.279/241 of 2021 has been filed

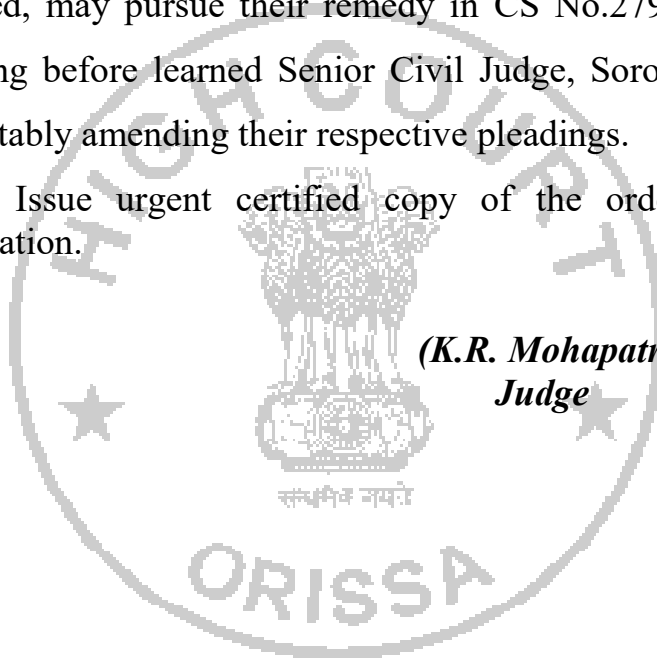
by the Petitioners in W.P.(C) No.1690 of 2021 pending in the Court of learned Senior Civil Judge, Soro.

7. In that view of the matter, learned counsel for the parties submit that interest of justice will be best served if they pursue their remedy in the aforesaid Civil Suit by suitably amending their respective pleadings.

8. Taking into consideration the submission made by learned counsel for the parties both the writ petitions are disposed of with an observation that if the parties are so advised, may pursue their remedy in CS No.279/241 of 2021 pending before learned Senior Civil Judge, Soro, if necessary by suitably amending their respective pleadings.

9. Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy