

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.13 of 2017

Bansidhar Nishank and another

....

Appellants

M/s. M. Mohanty, Advocate and associates
-versus-

***The Commissioner, Consolidation,
Bhubaneswar and others***

....

Respondents

Mr. Ishwar Mohanty, A.S.C.

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

13.10.2022

Order No.

09. 1. The present appeal is directed against an order dated 9th December 2016 passed by the learned Single Judge dismissing the Appellants' OJC No.6231 of 1998. In the said writ petition, the Appellants had assailed an order passed by the revisional authority under Section 36 of the Orissa Consolidation Holdings and Prevention of Fragmentation of Land Act, 1972 (OCH & PFL Act).
2. Initially, the Appellant had filed objections under Section 9 (3) of the OCH & PFL Act and an order in their favour had been passed under Section 10 of the said Act by the Consolidation Officer. Three years later, an order was passed in favour of private Respondent who subsequently died.
3. The contention of the Appellants that an order passed under Section 10 of the OCH & PFL Act would not have been reversed under Section 15 (1) thereof does not appear to be correct. On

perusal of the said order, it appears that it was not passed by way of reversing the order passed three years earlier under Section 10 of the OCH & PFL Act.

4. The learned Single Judge has in the impugned judgment observed as under:

“Considering the rival contentions of the parties and looking to the admitted facts and circumstances involved, this Court finds the Revisional authority allowed the revision on the premises that the documents relied upon by the present petitioner cannot be accepted for the reasons apparent on the face of it and further for the corrections being undertaken without having attestation or entries to that effect, documents appeared to be a manufactured one and further the Revisional authority has also based his revision that petitioner had the sole case on some oral submissions, which cannot be accepted. Mr. Mohanty, though made his submission that the finding of the Revisional authority stay contrary to materials available on record but he is unable to satisfy the same by referring to any such document. In absence of any material contrary to the finding of the Revisional Authority, this Court finds no scope to interfere in the impugned order.”

5. There being concurrent findings of both the revisional authority and the learned Single Judge, the Court is not inclined to interfere. The writ appeal is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge