

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 6688 OF 2022

Manmohan Singh

.... ***Petitioner***

Mr. Anjan Kumar Biswal, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***

Mr. Dillip Kumar Mishra,

Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
29.03.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 19th July, 2019 (Annexure-4) passed by the Revenue Divisional Commissioner (Central Division), Cuttack in R.P. Case No. 286 of 2016, whereby he dismissed the revision filed by the Petitioner under Section 15 (b) of the Orissa Survey and Settlement Act, 1958 (for short 'the Act').
3. Mr. Biswal, learned counsel for the Petitioner submits that in Sabik R.O.R. published under Annexure-1 in respect of Sabik Khata No. 100 in mouza Puruna Baripada under Gopabandhu Nagar Tahasil in the district of Mayurbhanj, the name of the predecessor of the Petitioner found place, but in the Hal R.O.R. published under Annexure-2, neither the name of the predecessor of the Petitioner nor his name finds place. Hence, he filed a revision under Section 15(b) of the Act to incorporate his name in the Hal R.O.R. The recorded tenants, who were impleaded as Opposite Parties to the said revision petition, also expressed "No Objection" to include the name of the

Petitioner in the Hal R.O.R. in respect of Khata No.184 of the said mouza. However, the revisional authority holding that the Petitioner did not produce any relevant document in support of his inheritance in respect of the land in question refused to entertain the revision petition. He also submits that the Petitioner has obtained the legal heir certificate on 3rd January, 2022 from the Sarpanch of Sainkula Gram Panchayat under which the suit village situates. In that view of the matter, he prays for setting aside the impugned order and to remit the matter back to the Revenue Divisional Commissioner (Central Division), Cuttack to adjudicate the matter afresh taking into consideration the legal heir certificate issued by the Sarpanch of Sainkula Gram Panchayat and by affording opportunity of hearing to the parties concerned.

4. Mr. Mishra, learned Additional Government Advocate, on the other hand, submits that the genuineness of the legal heir certificate issued by the Sarpanch of Sainkula Gram Panchayat has to be verified. Further, the mother of the Petitioner, namely, Pandiri Singh, who is also a legal heir of late Rupei Singh being the wife of late Pabana Singh, was not made a party to the revision petition. As such, the revision petition was incompetent and the same cannot be adjudicated in absence of necessary parties.

5. Taking into consideration the rival contentions of the parties and more particularly the observation of the revisional authority to the effect that Opposite Party Nos. 4 to 7 have no objection to include the name of the Petitioner in the Hal R.O.R. under Annexure-2 in respect of Khata No. 184, this Court sets aside the impugned order under Annexure-4 and remits the matter back to the Revenue Divisional Commissioner (Central Division), Cuttack to adjudicate the matter afresh by making an enquiry with regard to succession of the recorded tenants in respect of Sabik Khata No.100 under Annexure-1 as well as

possession of the parties and pass a reasoned order thereon giving opportunity of hearing to the parties concerned. The Petitioner is also directed to implead Pandiri Singh, wife of late Pabana Singh, as party to the said revision Petition (R.P. Case No. 286 of 2016).

6. With the aforesaid observation and direction, this writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks

