

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 6702 of 2022

Ranjit Mahakul

....

Petitioner

Mr. Bhaskar Chandra Panda, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opposite Party Nos.1 to 4)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

31.03.2022

Order No.

3. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 13th April, 1999 (Annexure-3) passed by the Commissioner, Land Reforms, Odisha, Cuttack-Opposite Party No.2 in Settlement Revision Petition No.82 of 1999. He also assails the orders passed by Tahasildar, Kandhamal-Opposite Party No.4 in Mutation Case No.247 of 2021 initiated pursuant to order passed in the said Settlement Revision Petition.
3. Mr. Panda, learned counsel for the Petitioner submits that the Petitioner being the assignee in respect of land in question has right to be heard in Settlement Revision Petition No.82 of 1999. But, the said Revision Petition was disposed of without impleading him as a party or serving notice on him. In the meantime, pursuant to the direction in the Settlement Revision Petition No.142 of 1999, ROR has already been issued in favour of Opposite Party No.5-T.Saroj Kumar Patra. Taking advantage of the same, Opposite Party No.5 has sold the property to Opposite Party No.6, namely, B.Satyabhama Patra. On the basis of the registered sale she had got her name mutated

in respect of the land in question. Realizing that fraud has been committed by Opposite Party No.5, the Collector, Kandhamal- Opposite Party No.3 has filed review petition before the Commissioner, Land Records, Odisha, Cuttack and the same is pending adjudication.

4. In course of hearing, Mr. Panda, learned counsel for the Petitioner submits that interest of justice will be best served if the Petitioner files an application for review of order dated 13th April, 1999 under Annexure-3 passed in Settlement Revision Petition No. 82 of 1999 and/or an appeal assailing the order passed by Tahasildar, Kandhamal-Opposite Party No.4 in Mutation Case No.247 of 2021. He accordingly, prays for withdrawal of the writ petition.

5. Mr. Mishra, learned ASC has no objection to the above submission.

6. Taking into consideration the submissions made by learned counsel for the parties, this Court, disposes of the writ petition as withdrawn with an observation that in the event the Petitioner files an application for review of order dated 13th April, 1999 passed by Commissioner, Land Reforms, Odisha, Cuttack in Settlement Revision Petition No.82 of 1999, the same shall be considered in accordance with law keeping in mind the ratio decided in the case of **Smt. Bijaya Chatterjee –v- Commissioner, Land Records and Settlement, Orissa and Others** reported in **2000 (II) OLR 349**.

Issue urgent certified copy of this order on proper application.