

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.1576 of 2006

Artatrana Behera & Ors.

....

Petitioner(s)

Mr. S. Rath,
Advocate

-versus-

***Land Reforms Commissioner, Orissa
& Ors.***

....

Opposite Party(s)

Mr. S.P. Panda,
Addl. Govt. Adv.

CORAM:
JUSTICE BISWANATH RATH
ORDER
21.06.2022

Order No.

16. 1. Heard Mr. Rath, learned counsel for the Petitioners and Mr. Panda, learned State Counsel. There is no appearance on behalf of the private Opposite Parties. This matter is heard and decided only considering the submission of Mr. Rath, learned counsel for the Petitioners and Mr. Panda, learned State Counsel and also basing on the materials available on record.
2. This writ petition involves a challenge to the judgment of the learned Member, Board of Revenue, Orissa, Cuttack in OLR Revision Case No.1 of 2001 appearing to be a revision in exercise of power U/s.59(2) of the Orissa Land Reforms Act, 1960.
3. Considering the submission of Mr. Rath, learned counsel for the Petitioners, this Court from the ultimate decision of the learned Member, Board of Revenue finds, the outcome in the OLR Revision Case No.1 of 2001 is solely on the basis of the findings of the

Munsif and the Addl. Dist. Judge involving disposal of the T.S. No.16 of 1987 and T.A No.3 of 2001 initially registered as T.A. No.9/6 of 1990. In course of hearing Mr. Rath, learned counsel for the Petitioner brought to the notice of this Court that involving the judgment passed in the suit as well as in the first appeal involved herein, the present Petitioners preferred S.A. No.347 of 2001, which even though has been dismissed for non-prosecution in the meantime, but there appears, there is pendency of a restoration petition vide CMAPL No.17 of 2022 and the CMAPL is posted to 1st week of July, 2022.

4. Be that as it may, even assuming that the S.A. is restored, but it is not known as to what would be the ultimate outcome in the S.A. Be that as it may, since the foundation involving the impugned order here stands on the findings of the Munsif as well as the Add. Dist. Judge in disposal of the civil disputes, this Court is of the view that the impugned order at Annexure-1 shall ultimately be abided by the judgment to be passed in S.A. No.347 of 2001 and the judgment, if any, in S.A No.347 of 2001 shall ultimately govern the field and bind the parties involved herein.

5. The writ petition stands disposed of with the above observation only.

(Biswanath Rath)
Judge