

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7871 of 2022

Sunakar Barik

.... Petitioner

Mr.D.P.Jena, Advocate

-versus-

Tahasildar, Mahakalapada

.... Opp. Party

Mr. S.N. Mishra,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

19.04.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition prays for a direction to Thasildar, Mahakalapada to implement the direction of Commissioner, Land Records and Settlement, Odisha, Cuttack vide order dated 6th September, 2000 in the Revision Petition No.2563 of 1997.
3. It is submitted by learned counsel that father of the Petitioner had filed RP Case No.2563 of 1997 before Commissioner, Land Records and Settlement, Odisha, Cuttack under Section 15(b) of the Odisha Survey and Settlement Act, 1958 in which, the Commissioner, vide order dated 6th September, 2000, directed to record the land in Plot No.93 under Khata No.39 to an extent of Ac.0.34 decimal situated in mouza Ghantiapalli under Mahakalapada tahasil in his name. Due to certain difficulties, father of the Petitioner could not take steps to work out the direction in RP No.2563 of 1997. After death of father of the Petitioner, he approached the Tahasildar, Mahakalapada to consider his case in terms of the direction made in the Revision Case No.2563 of 1997, but the Tahasildar

has not yet taken any action in that regard. Thus, finding no other way out, the Petitioner has filed the present writ petition for the aforesaid relief.

4. Mr. Mishra, learned AGA submits that direction, if any, was made on 6th September, 2000, the Petitioner did not take any steps within a reasonable time. Thus, claim of the Petitioner cannot be entertain at such a belated stage. Hence, he prays for dismissal of the writ petition.

5. Taking into consideration the rival contentions of the parties and on perusal of record, it appears that Revision Case No.2563 of 1997 was disposed of by the Commissioner, Land Records and Settlement vide his order dated 6th September, 2000. Thereafter, no step was taken by the father of the Petitioner or by his legal heir(s) to implement the said order. Moreover, certified copy of order dated 6th September, 2000 passed in the mutation case has not been annexed to the writ petition. The Opposite Parties to the revision petition have not been impleaded as parties to the writ petition. Besides, averments made in the writ petition do not reveal that the Petitioner had ever approached Tahasildar, Mahakalapada for implementation of the said order. In that view of the matter, prayer made in the writ petition cannot be entertained.

6. Accordingly, the writ petition stands dismissed being devoid of any merit.

(K.R. Mohapatra)
Judge