

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 10124 OF 2013

Sabyasachi Raychudam-ani

....

Petitioner

Mr. Soumya Mishra, Advocate

-versus-

State of Odisha and another

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

07.04.2022

Order No.

6.
 1. This matter is taken up through hybrid mode.
 2. This writ petition has been filed assailing the order dated 28th August, 2012 (Annexure-2) passed by the Director, Consolidation, Odisha, Cuttack in Revision Case No.149 of 2011 filed by the Petitioner under Section 37(2) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 (for short 'the Act'), whereby he dropped the case holding that he had no jurisdiction to entertain the claim of the Petitioner as it was recorded in the name of Government under *Abada Jogy Anabadi* (Bebandabasta) Status in the R.O.R. under Section 22(2) of the Act.
 3. In course of hearing, Mr. Mishra, learned counsel for the Petitioner fairly submits that after publication of the R.O.R. under Section 22 of the Act, a revision under Section 37(2) of the Act is not maintainable before the Director, Consolidation, Odisha in view of the ratio decided in *Arjuna Chandra Jena and Ors. –vrs.- Commissioner, Consolidation, Odisha, Cuttack and Ors.* reported

in 2014 (I) OLR 263. He further submits that since the revision petition was disposed of holding that the Director had no jurisdiction, the Petitioner may be granted liberty to file a revision under Section 37(1) of the Act before the competent court.

4. Mr. Mishra, learned Additional Standing Counsel submits that since the revision petition under Section 37(2) of the Act was not maintainable before the Director, he has committed no illegality in dropping the case.

5. Taking into consideration the submission made by learned counsel for the parties, this Court is of the considered opinion that the Petitioner should not go remediless to raise his grievance before the competent court of law. Since the revision petition before the Director, Consolidation, Odisha was dismissed as not maintainable, the Petitioner can raise such claim before the competent Court of law by filing appropriate application.

6. Hence, this writ petition is disposed of granting liberty to the Petitioner to file a revision under Section 37 (1) of the Act before the competent court of law in assailing the correctness of the R.O.R. in respect of Khata Nos. 146, 228 and 402 situated in Mouza Bajapur in the district of Puri. If such a revision is filed within a period of four weeks hence along with certified copy of this order, the same shall be decided in accordance with law.

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

(K.R. Mohapatra)
Judge

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