

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 8655 of 2022

Pratap Chandra Jena

....

Petitioner

Mr. Ashok Kumar Sarangi, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,

Additional Standing Counsel

(For Opposite Party Nos.1 to 3)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.04.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 19th December, 2017 (Annexure-1) passed by the Sub-Collector, Khordha in Mutation Appeal No.30 of 2017.
3. It is submitted by Mr. Sarangi, learned counsel that the Petitioner was not provided with an opportunity of hearing although he was impleaded as Respondent No.1 in the appeal. Hence, he prays for setting aside of the said order and remit the matter back to Sub-Collector, Khordha for fresh adjudication of Mutation Appeal No.30 of 2017 giving opportunity of hearing to the parties concerned.
4. Mr. Mishra, learned ASC submits that as it appears from case record, the Sub-Collector, Khordha has taken into consideration the judgment dated 7th October, 2016 passed in RFA No.2 of 2016 (arising out of CS No.45 of 2014) by learned 1st Additional District Judge, Khordha, has allowed the mutation appeal filed by Opposite Party Nos.4 to 6. The Petitioner has remedy of revision under Section 32 of the

Odisha Survey and Settlement Act, 1958 to assail the said order. In that view of the matter, the writ petition is not maintainable.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that since the Petitioner has efficacious statutory remedy either to recall the order or to prefer a revision assailing the order dated 19th December, 2017 under Annexure-1, this Court is not inclined to entertain the writ petition.

6. Accordingly, the writ petition stands dismissed.

(K.R. Mohapatra)
Judge



s.s.satapathy