

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21627 of 2010

***Sri Sri Nilakantheswar Dev &
Others***

.... ***Petitioners***

Mr. Bhaktahari Mohanty
Advocate

-versus-

***Additional District Magistrate,
Bhubaneswar & Another***

.... ***Opp.Parties***

Mr. A.P.Das ,ASC

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAIAK**

**ORDER
24.02.2022**

Order No.

- 3.
1. This petition challenges an order dated 30th June, 1998 passed by the Additional District Magistrate, Khurda (ADM) in Revision Case No.729 of 1998 setting aside an order dated 30th August, 1974 of the Tahasildar settling Ac.0.600 decimals of land in Plot No. 2674 of Khata No.805 in village Andharua in favour of the present Petitioners' vendor.
2. The short ground on which the impugned order is challenged is that the present Petitioner who was a bonafide purchaser without knowledge of the above cancellation of lease, was not made a party in Revision Case No.729 of 1998 and was therefore not heard by the ADM before the impugned order was passed. This is not disputed by the Opposite Party.

3. In that view of the matter, the impugned order of the ADM is hereby set aside and Revision Case No.729 of 1998 is restored to the file of the ADM, Khurda for bring proceeded with in accordance with law after hearing the present Petitioner and other parties to the said case. For this purpose, the Revision Case No.729 of 1998 is directed to be listed before the ADM, Khurda on 4th April, 2022 on which date the Petitioners will appear along with a written note of submissions. The ADM, Khurda is requested to pass a reasoned order, after hearing the parties, disposing of the revision petition within a period of six months thereafter. It is clarified that the Court has not expressed any opinion on the merits of the case. If aggrieved by such order of the ADM, it will be open to the parties to seek appropriate remedies in accordance with law. All the contentions of the Petitioner and other parties are left open to be raised before the ADM.

4. The writ petition is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge