

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 19766 OF 2017

Jagatjyoti Mohanty and others* *Petitioners

Mr.Bibhu Prasad Das, Advocate

-versus-

Commissioner, Consolidation and Settlement, Bhubaneswar and others* *Opp. Parties

Mr. Gajendra Nath Rout,
Additional Standing Counsel
(For Opposite Party No.1)

Miss Depali Mahapatra, Advocate
(For Opposite Party Nos. 2 to 7)

Mr. Swarup Kumar Pattnaik, Advocate
(For Opposite Party Nos. 8 and 9)

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
25.07.2022**

Order No.

IA No.8497 of 2022

15. 1. This matter is taken up through Hybrid mode.
2. This IA has been filed by Opposite Party Nos.2 to 7 for modification of certain observations made in para-8 of order dated 7th April, 2022 by which the writ petition was disposed of.
3. Miss Mahapatra, learned counsel for the Opposite Party Nos. 2 to 7 submits that pendency of CS No.1382 of 2014 was not within the knowledge of the Commissioner, Consolidation and Settlement, Bhubaneswar, while adjudicating revision cases. Hence, the observation to the effect that “*this Court is of the considered opinion that the Commissioner while adjudicating the revision petitions should have kept in mind the*

pendency of the suit in which the validity of the gift deed is in question. It also appears that the Commissioner did not at all discuss the rival contentions of the parties and also did not scrutinize the materials on record. Only basing upon a partition deed and the order passed in objection case, the revision petition has been decided.”

4. In course of hearing, Miss Mahapatra, learned counsel for Opposite Party Nos. 2 to 7 submits that on perusal of order impugned in the writ petition, it appears that the Commissioner had knowledge of pendency of the Civil Suit. She however submits that the ‘*partition deed*’ mentioned in 11th line the said para-8 should be read as ‘*gift deed*’.

5. Mr. Das, learned counsel for the writ petitioners does not have any objection to the same.

6. Hence, the term ‘*partition deed*’ appearing in 11th line of para-8 of the impugned order should be read as ‘*gift deed*’.

7. The rest part of the said order dated 7th April, 2022 remains unaltered.

8. The IA is disposed of accordingly.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge