

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11675 OF 2020

Sabita Sahu

....

Petitioner

Mr. Biplaba P.B. Bahali, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

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

**ORDER
17.03.2022**

Order No.

4. 1. This matter is taken up through hybrid mode.
2. This matter was listed today suo motu for correction of reference of case law given in para-4 of order dated 14th March, 2022, by which the writ petition was disposed of.
3. The correct reference of the case law should be ***Alekh Chandra Rath and another Vs. Commissioner of Land Records and Settlement, Odisha and others***, reported in 1989 (II) OLR 135. Hence, the order dated 14th March, 2022 is recalled.
4. On consent of learned counsel for the parties, the matter is taken up for admission and final disposal.
5. The Petitioner in this writ petition seeks to assail the order dated 20th March, 2009 under Annexure-2 passed by the Joint Commissioner, Settlement and Consolidation, Berhampur in S.R.P. No. 33 of 2007 filed by the Opposite Party No.5 under Section 15(b) of the Orissa Survey and Settlement Act, 1958.
6. It is submitted by Mr. Bahali, learned counsel for the Petitioner that the Petitioner though had interest in the land in question was not made a party to the said revision. The Opposite Party No.5 has also admitted the same in the revision petition

itself. But without impleading her as a party and without serving any notice on her, the impugned order under Annexure-2 has been passed. Hence, he prays for setting aside the impugned order and to remit the matter back to the revisional Court for fresh consideration in accordance with law giving her an opportunity of hearing.

7. Mr. Mishra, learned Additional Standing Counsel submits that the impugned order passed on 23rd March, 2009 and the writ petition has been filed in the year 2020 i.e. after more than 11 years. If the Petitioner is aggrieved by the said order, she could have filed an application before the revisional Court itself in terms of the ratio decided in the case of ***Alekh Chandra Rath and another Vs. Commissioner of Land Records and Settlement, Odisha and others***, reported in 1989 (II) OLR 135, wherein it is held that the revisional Court has power to recall its own order.

8. Taking into consideration the submission made by learned counsel for the parties that the Petitioner has not filed any application for recall of the order dated 20th March, 2009 (Annexure-2) passed by the Joint Commissioner, Settlement and Consolidation, Berhampur in S.R.P. No.33 of 2007, this Court disposes of this writ petition with an observation that the Petitioner, if so advised, may move such application before the revisional Court, which may be considered in accordance with law.

9. With the aforesaid observation and direction, this writ petition is disposed of accordingly.

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

(K.R. Mohapatra)
Judge