

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.10312 OF 2022

Padmalaya Bhoi

....

Petitioner

Mr.A.C.Samal, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

13.7.2022

Order

No.

2.

1. Heard learned counsel for the Parties.

2. The Writ Petition involves a challenge to the order at Annexure-5.

3. Learned counsel for the Petitioner drawing the attention of this Court to the judgment, vide Annexure-4 makes a statement that the order of the Revenue Authority is completely contrary to the judgment of this Court already involving Annexure-4.

4. Considering the rival contentions of the Parties, this Court finds, the Petitioner's claim has strength on the basis of the judgment of this Court. Perused the impugned order at Annexure-5. This Court finds, even though the judgment of this Court involving W.P.(C) No.18171 of 2016 has been relied on by the Party concerned, there has been mechanical consideration and complete ignorance of the direction made by this Court through the judgment at Annexure-4.

5. Considering there is mechanical disposal by the Revenue Authority at Annexure-5, this Court interferes with the impugned order at Annexure-5. However, considering there is re-consideration involving the Appeal involved herein strictly on the basis of the judgment of this Court, the matter is remitted to the A.D.M., Sambalpur for re-consideration of the Appeal and disposal afresh however keeping in view the guidelines involving W.P.(C) No.18171 of 2016 disposed of on 14.12.2016 by completing the entire exercise within a period of two months from the date of communication of this order by the Petitioner. The Petitioner is directed to appear before the Appellate Authority for disposal of the Miscellaneous (Registration) Appeal No.01/2022 afresh and take date of hearing.

6. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

M.K.Rout