

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11021 of 2022

Arati Pradhan and another* *Petitioners

Mr.Ramachandra Rath, Advocate

-versus-

Additional Commissioner, *Opp. Parties*

Consolidation and Settlement,

Sambalpur and others

Mr.Sarojananda Mishra,

Additional Government Advocate

(For Opposite Party Nos.1, 2 and 32)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

09.05.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. On the oral prayer made by Mr. Rath, learned counsel for the Petitioners he is permitted to implead the State of Odisha, represented through its Principal Secretary, Revenue and Disaster Management, Department, Government of Odisha, Bhubaneswar as Opposite Party No.32 to the writ petition in the Court.
3. This writ petition has been filed assailing the order dated 8th June, 2016 (Annexure-1) passed by the Additional Commissioner, Settlement and Consolidation, Sambalpur- Opposite Party No.1 in Consolidation Revision Case No.3476 of 2015 directing the Tahasildar, Bargarh to prepare ROR in the name of Benupani Pradhan, Buddhadev Pradhan and Gouranga Pradhan exclusively by deleting the name of other recorded tenants.
4. Mr. Rath, learned counsel for the petitioners submits that although the impugned order was passed on 8th June, 2016,

but due to the fact that the Petitioners being the necessary parties were not impleaded as such in the revision for which, they could not know about the impugned order. It is his submission that Hamid Settlement ROR stood recorded in the name of late Chatrubhuj Pradhan, Tankadhara Pradhan and Sankar Pradhan. Petitioners are the branch of Sankar Pradhan. Without impleading them as parties, the revision petition was filed and the impugned order has been passed by deleting the names of their ancestor, namely, Sankar Pradhan from the ROR. It is his submission that said Sankar Pradhan was also not made party to the revision. Hence, this writ petition has been filed for the aforesaid relief.

5. Mr. Mishra, learned AGA submits that there is no material on record to show that the Petitioners belong to Sankar Pradhan's branch. Impugned order also reveals that the branch of Sankar Pradhan have no existing right over the land in question. It also appears from the impugned order under Annexure-1 that the Commissioner has dealt with the matter in detail taking into consideration the rival contentions of the parties. Hence, he prays for dismissal of the writ petition.

6. Taking into consideration the submissions made by learned counsel for the parties, more particularly the submission of Mr. Rath, learned counsel that the Petitioners belong to Sankar Pradhan's branch, this Court is of the considered opinion that the same requires consideration by the Additional Commissioner, Settlement and Consolidation, Sambalpur. In that view of the matter, interest of justice will be best served if the Petitioners file an application for recall of the order under Annexure-1, the same can be considered in

accordance with law giving opportunity of hearing to the parties concerned.

7. Accordingly, this Court, without expressing any opinion on the merits of the case of the Petitioners, disposes of the writ petition with a direction that in the event Petitioners file an application for recall of order dated 8th June, 2016 passed by Additional Commissioner, Settlement and Consolidation, Sambalpur in Consolidation Revision Case No.3476 of 2015 under Annexure-1 within a period of three weeks hence along with certified copy of this order, the Additional Commissioner- Opposite Party No.1 shall do well to consider the same in accordance with law giving opportunity of hearing to the parties concerned and pass a reasoned order thereon.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy