

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11199 of 2021

Nidhi Parida

..... Petitioner

Miss Deepali Mahapatra, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr.Dilip Kumar Mishra,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

10.05.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Grievance of the Petitioner in this writ petition is with regard to entries made in Column-7 of the ROR in respect of Plot Nos.2281, 2273, 2274 and 3060 under Khata No.1311/375 measuring an area Ac.0.077 decimal situated in mouza Astaranga under Astaranga tahasil.
3. Miss Mahapatra, learned counsel for the Petitioner submits that Sabik Plot No.1035 under Sabik Khata No.296 corresponding to Hal Plot Nos.2017, 2017/3645, 2017/3644, 2017/3386, 2017/3554 and 2017/3555 under Hal Khata No.62 belonged to ex-intermediary, namely, Sivanath Daschoudhury of Binjharpur. On 31st March, 1945, father of the Petitioner was granted lease of the aforesaid property from ex-intermediary for agricultural purpose. As such, the Petitioner is continuing in possession of Plot Nos.2017/3555 and 2017/3554 by making construction thereon. After abolition of Estate in the year 1953, although tenant's ledger was opened in the name of the

Petitioner, but, in the Hal Settlement, the said property was recorded in Government khata under ‘*Anabadi*’ status. Hence, the Petitioner filed Original Suit bearing OS No.56 of 1984-1 before learned Sub-ordinate Judge, Puri for declaration of title, confirmation of possession and correction of ROR. The suit was decreed *ex-parte* against the State Government on 6th May, 1985. A petition for setting aside the *ex-parte* decree was also filed by the State Government. In the meantime, consolidation operation started in the village. The Consolidation Officer, upon hearing the objection filed by the Petitioner, directed to record the land in question in the name of the Petitioner.

3.1 Assailing the order of the Consolidation Officer, Tahasildar, Kakatapur filed appeal before the Deputy Director, Consolidation in Consolidation Appeal No.61 of 1999 and the order passed by the CO was set aside vide order dated 5th November, 1999. Being aggrieved, the Petitioner preferred Revision Case No.610 of 1999, which was also dismissed vide order dated 28th August, 2001. Hence, the Petitioner filed writ petition in OJC No.13164 of 2001 before this Court. The said writ petition was disposed of on 8th July, 2019 by setting the order passed by the appellate as well as revisional authority aside and upholding the order passed by the Consolidation Officer in Objection Case No.849 of 1993.

3.2 After disposal of the writ petition, the Petitioner filed a mutation case for correction of ROR in his name. But in the meantime, some of the villagers filed writ appeal in WA No.364 of 2019 before this Court, which was dismissed vide order dated 17th December, 2020. After disposal of the writ

appeal, the ROR under Annexure-2 was issued in the name of the Petitioner. However, the villagers filed Mutation Appeal No.70 of 2020 for correction of ROR under Annexure-2. Assailing the said proceeding, the Petitioner filed W.P.(C) No.6144 of 2021, which was disposed of vide order dated 24th February, 2022 quashing the proceeding in Mutation Appeal No.70 of 2020. After disposal of the writ petition, the Sub-Collector, Puri also dropped the mutation appeal, vide his order dated 10th March, 2022. However, since ROR was prepared on 5th November, 2020, i.e., after disposal of OJC No.13164 of 2001, and in the meantime, the writ appeal has already been dismissed, the Petitioner approached the Tahasildar to delete the endorsement made in Column-7 of the ROR under Annexure-2.

4. It is submitted by Miss Mahapatra, learned counsel for the Petitioner that since no appeal either against the order passed in writ appeal or against the order passed in Objection Case No.849 of 1993 has been filed, the endorsement to the effect that the ROR is prepared subject to the appeal to be filed by the Collector, Puri against Objection Case No.849 of 1993, is unwarranted and un-called for. Hence, she prays for deletion of the said remark in Column-7 of Annexure-2.

5. Mr. Mishra, learned AGA submits that on perusal of the writ petition, it appears that the Petitioner has not filed any petition under Rule 44 of the Odisha Survey and Settlement Rules, 1962 for correction of the entries made in Column-7 of the ROR under Annexure-2.

6. Miss Mahapatra, learned counsel for the Petitioner submits that the Petitioner has no objection to file appropriate application before Tahasildar, Astaranga-Opposite Party No.4 for deletion of unnecessary endorsement from Column-7 of the ROR under Annexure-2 and she prays for a direction for early disposal of the same.

7. Taking into consideration the rival contentions of the parties, this Court, without expressing any opinion on merit of the case of the Petitioner, disposes of the writ petition with a direction that in the event Petitioner files appropriate application along with relevant documents for correction in the entries made in Column-7 of the ROR under Annexure-2 before Tahasildar, Astaranga-Opposite Party No.4 within a period of three weeks hence along with certified copy of this order, the Tahasildar, Astaranga shall consider the same in accordance with law and pass a reasoned order as expeditiously as possible, preferably within a period of eight weeks there from, giving opportunity of hearing to the parties.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge