

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 11661 OF 2022

Suprava Samal and others* *Petitioners

Mr. Dinabandhu Nayak, Advocate

-versus-

The Commissioner, Land Records and Settlement, Odisha, Cuttack and others* *Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

18.05.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition seek to assail the order dated 2nd June, 2006 (Annexure-1) passed by the Commissioner, Land Records and Settlement, Odisha, Cuttack in Revision Petition No.5300 of 1994 filed by the predecessors of the Petitioners under Section 15(b) of the Orissa Survey and Settlement Act, 1958.
3. By filing an application under Section 5 of the Limitation Act, Mr. Nayak, learned counsel for the Petitioners submits that during pendency of the revision Petition, the Petitioner No.1, namely, Gokulananda Samal and Petitioner No.4, namely, Kusha Nayak, in the revision petition died in the year, 2002. The Petitioners being the successors of said Gokulananda Samal and Kusha Nayak could not know about the pendency of the revision case as they were staying out of the village. It is further submitted that the Petitioner No.3 before the revisional court, namely, Sanjaya Samal, is an illiterate person and is residing at village Bhuban in the district of Dhenkanal. When the Tahasildar, Sukinda took steps for

eviction of the Petitioners on 23rd January, 2022, they came to know about the same and contacted the Advocate to file the writ petition.

4. Mr. Nayak, learned counsel for the Petitioner fairly submits further that no application for recalling of the impugned order has been filed by the Petitioners stating the aforesaid grounds. In that view of the matter, he prays for withdrawal of the writ petition to file appropriate application before the Commissioner, Land Records and Settlement, Odisha, Cuttack to recall the impugned order under Annexure-1 passed in R.P. No.5300 of 1994 stating the aforesaid grounds.

5. Taking into consideration the submission made by learned counsel for the Petitioner, this writ petition is disposed of as withdrawn.

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

(K.R. Mohapatra)
Judge

bks