

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12690 OF 2022

Sushanta Kumar Das

Petitioner

Miss Deepali Mahapatra, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

18.05.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition challenges the order dated 19.07.2017 (Annexure-4) passed by the Joint Commissioner, Settlement and Consolidation, Cuttack-opposite party No.2 in R.P. No.344 of 2015, whereby he dismissed the revision petition under Section 15(b) of the Odisha Survey and Settlement Act, 1958.
3. Miss Mahapatra, learned counsel for the Petitioner submits that as many as nineteen revision cases were filed by the Petitioner before the Joint Commissioner, Settlement and Consolidation-Opposite Party No.2. On 19.07.2017, delay was condoned. On the same day, the Joint Commissioner disposed of the matter. She submits that no opportunity of hearing is provided to the Petitioner. She further submits that an identical matter came up for consideration before this Court in W.P.(C) 8737 of 2018. A co-ordinate Bench of this Court set aside the order and remitted the matter to the opposite party No.2 to dispose of the matter after affording opportunity of hearing to both the parties. The said

revision petition has not yet been disposed of after remand. In view of the same, the matter may be remitted back to the Joint Commissioner, Settlement and Consolidation-Opposite Party No.2.

4. In W.P.(C) No. 8737 of 2018 filed by the present Petitioner, which was filed against the common order dated 19th July, 2017, a co-ordinate Bench of this Court set aside the order and remitted the matter back to the Opposite Party No.2 for *de novo* hearing. Hence, I am of the view that this writ petition should be disposed of in the light of the said order.

5. In view of the same, the impugned order is quashed. The matter is remitted back to the Joint Commissioner, Settlement and Consolidation, Odisha, Cuttack-Opposite Party No.2 for *de novo* hearing. The Opposite Party No.2 shall do well to dispose of the matter after affording opportunity of hearing to the petitioner as well as the opposite parties.

6. Since this petition is disposed of at the stage of admission, it is open to the Opposite Party Nos.5 to 11 to file an application for recalling/variance of the order, if they feel aggrieved.

7. Accordingly, this writ petition is disposed of.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge