

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.15829 of 2022
(Through hybrid mode)**

Jahara Begum and another

....

Petitioners

Mr. B. Lenka, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. A. K. Sharma, AGA

CORAM: JUSTICE ARINDAM SINHA

ORDER

27.07.2022

Order No.

- 02.** 1. Mr. Lenka, learned advocate appears on behalf of petitioners. He submits, prayer of his clients is for quashing of orders dated 28th September, 2021 and 21st March, 2021 passed in the review application registered as Misc. Case no.5674 of 2017 before Odisha Human Rights Commission (OHRC).
2. On query from Court he submits, by final report dated 16th April, 2021 of OHC, inter alia, compensation of Rs.2,00,000/- each was awarded to his clients. That has been stayed on impugned orders passed in the review application. On further query from Court Mr. Sharma, learned advocate, Addl. Government Advocate submits, review applicant before OHRC is the person, who was then Collector. Said person has not been made party in the

writ petition.

3. Court has perused the final report and impugned orders made in the review application. It appears, there were three brothers, eldest of whom got a plot of land from his father-in-law. A house was constructed. The eldest brother then drove out from or did not allow his wife (Sajra Anjum) and two children in the house. The eldest brother then purported to convey the house in favour of his two brothers. The wives of the two brothers were complainants before the OHRC.

4. It further appears, Sajra Anjum filed a civil suit in respect of the house constructed on land given to her husband by her father. Sajra Anjum then, with her children, approached the administration for assistance. The administration, as the Commission found, had dispossessed petitioners from the house. In the final report there are observations made against the administration, giving rise to the review application by the then Collector.

5. The Odisha Human Rights Commission (Procedure) Regulations, 2003 indicates, power of review is with the Commission. Regulation 15 provides for preparation of cause list, in which sub-clause (e) mentions review applications. In the circumstances, the OHRC having taken cognizance of the review application and being in the process of dealing with it, had power to direct stay of operation of its final report dated 16th April, 2021.

6. In view aforesaid, there is no scope for interference with procedure adopted by the OHRC.

7. The writ petition is dismissed.

(Arindam Sinha)
Judge

Prasant

