

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.433 of 2018

Karunakar Panda

....

Appellant

Mr. N.K. Sahu, Advocate

-versus-

***Commissioner Land Records &
Settlement, Board of Revenue, Odisha,
Cuttack & others***

Respondents

*Mr. Debakant Mohanty, Addl. Govt. Advocate
(For Respondent Nos.1 to 4)
None – For Respondent Nos.5 to 7*

**CORAM:
THE CHIEF JUSTICE
JUSTICE M. S. RAMAN**

**ORDER
31.10.2022**

Order No.

05. 1. The challenge in the present appeal is to order dated 9th July, 2018 passed by the learned Single Judge dismissing W.P.(C) No.9860 of 2018 filed by the appellant challenging the order dated 22nd November, 2016 passed by the learned Commissioner, Land Records and Settlement, Odisha, Cuttack in Consolidation Revision Case No.30 of 2013.
2. The sole ground of dismissal of the writ petition was that the impugned order passed on 22nd November, 2016 and the writ petition was filed on 8th June, 2018. The learned Single Judge was

not convinced with the explanation offered by the Appellant for the delay of one year and seven months in filing the writ petition.

3. This Court has heard the learned counsel for the Appellant. None appears for the Respondent Nos.5 to 7

4. In the writ petition before the learned Single Judge the reasons for delay in filing the writ petition are set out in para 12. Those reasons have been reiterated in Ground No.1 of the writ appeal viz., that the concerned advocate did not inform the Appellant about the dismissal of the case and it is only when the Tahasildar, Jajpur took steps for recording of the disputed land in the name of the Government, the Appellant came to Cuttack in the month of May, 2018 and was able to know that the impugned order was passed on 3rd June, 2015.

5. It appears to this Court that in the above explanation offered by the Appellant is a plausible one and not lacking in bonafides. The appellant should not be deprived of the remedy of challenging the order passed in the consolidation proceedings only on account of the lapse of his counsel.

6. For the aforementioned reasons, the impugned order dated 9th July, 2018 of the learned Single Judge is set aside and the writ petition is restored to file. W.P.(C) No.9860 of 2018 will be listed before the Roster Bench of the learned Single Judge on 6th of December, 2022, on which date the present Appellant will appear through counsel. The learned Single Judge is thereafter requested to

proceed with the matter and dispose it of as expeditiously as possible.

7. The writ appeal is disposed of. The interim order passed by this Court on 10th December, 2018 will continue during pendency of the writ petition before the learned Single Judge.

8. Issue urgent certified copy as per rules.

(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge



MRS/AKS