IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17323 of 2022

Subash Kumar Baral .... ***Petitioner(s)***

Mr. S. Mohanty,
Advocate

-versus-

The State of Odisha & Ors. .... ***Opposite Party(s)***

Mr. S.P. Panda,
Addl. Govt. Adv.

CORAM:
JUSTICE BISWANATH RATH

ORDER
14.07.2022

Order No.

01. **1.** Heard learned counsel for the Parties.

2. Learned counsel for the Petitioner submits that involving the selfsame issue a batch of writ petitions have already been disposed of in the meantime.

3. Considering the statement made by Mr. Mohanty, learned counsel for the Petitioner and on consent of both the parties, this Court takes up this matter for final hearing and disposes of the same with the following order:-

4. Short question involving the case is that whether the revisional order under Section 32 of Orissa Survey and Settlement Act, 1958 is entertainable? In similar situation, this Court in disposal of W.P.(C) No.13895 of 2008 taking into consideration the previous decision of this Court in ***Subash Kumar Baral vrs. State of Odisha & Others*** reported in 120(2015)CLT 163 has come to observe as follows:

> **"**Considering the rival contentions of the parties, this Court finds, there is no dispute that the Revision under

> Section 32 of the Orissa Survey & Settlement Act at the instance of the State was involving an order under Section 22 of the Orissa Survey & Settlement Act. This Court is of the opinion that no Revision under Section 32 of the Orissa Survey & Settlement Act is maintainable. The decision cited at Bar also supports the case of the petitioner.
>
> In the circumstance, this Court interfering with the impugned order at Annexure-5 sets aside the same.
>
> The writ petition stands disposed of."

5. For the consistent view of this Court through several disposals even including the reported case as above, there is no possibility of taking any view otherwise. In the circumstance, this Court interfering with the orders at Annexure-4 sets aside the same.

6. The Writ Petition succeeds. It is, however, made clear that disposal of the Writ Petition interfering with Annexure-4 shall not stand as a bar for the Parties, if any, to move any other proceeding, if available under any procedure of law.

(Biswanath Rath)
Judge

HIGH COURT
सत्यमेव जयते
ORISSA

Ayaskanta Jena