

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.17954 of 2022

Kamala Naik & Ors.

....

Petitioner(s)

Mr.K.K.Rout, Advocate

-versus-

Jyoti Prakash & Ors.

....

Opp.Party(s)

Mr.S.Mishra, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
02.08.2022**

Order No.

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1. Heard learned counsel appearing for the parties.
2. This writ petition though involves a challenge to the impugned order being unreasoned one. In course of hearing this Court finds through Annexure-6, the impugned order appeared to be based on Annexure-6. A report of competent authority is obtained in the process of issue of 15(b) of Orissa Survey & Settlement Act. Report suggests 15(b) application also involves a request declaring some lease aspect illegal and invalid. The commissioner accordingly disposed of 15(b) application saying proceeding under Section 15(b) of the Orissa Survey & Settlement Act is not maintainable. This Court finds the question of validity of any lease cannot be the subject in 15(b) application. It is at this stage of the matter Mr.Rout, learned counsel for the petitioners submits that there is already a proceeding challenging the lease aspect. For this development, this Court is of the opinion that unless the petitioner gets rid of lease aspect, there is no scope of consideration in change of record-of-right involving application under Section 15(b) of Orissa Survey & Settlement Act. This Court though declines to entertain the impugned order however observes the impugned order since disposed of on technical ground may not stand as a bar on the way of petitioner re-approaching the authority under Section 15(b) of

the Orissa Survey & Settlement Act dependant on the development of lease aspect pending before any other authority.

3. With this observation, the writ petition stands disposed of.

(Biswanath Rath)
Judge

Sks

