

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.18785 OF 2022

Hemanta Kumar Behera & anr.

....

Petitioners

Mr.S.Mishra, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.Mishra, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
29.7.2022**

Order No.

01. 1. Heard learned counsel for the Parties.
2. This case is the second round of litigation. In the first round of litigation, this Court in disposal of CMP No.518 of 2014 has passed the following direction :-

“This petition challenges the order dated 10.3.2014 passed by the learned Civil Judge (Senior Division), Udala in Title Appeal No.03 of 2002. By the said order, learned trial court rejected the petition filed by the appellant-petitioners under Section 4(4) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 for abatement of the appeal.

Heard Mr.S.Mishra, learned counsel for the petitioners and Mr.N.Lenka, learned counsel for the opposite parties.

Mr.Mishra, learned counsel for the petitioners, submits that the petitioners have filed Consolidation Revision Nos.116 and 117 of 2013 before the Revenue Divisional Commissioner (Central division)-cum-Consolidation commissioner and the same are pending adjudication. He further submits that a direction may be issued to the revisional authority to dispose of the revision within a stipulated time and the appeal may be stayed till disposal of the revision.\

Considering the submission of the learned counsel for the petitioners, this Court disposes of the petition with a direction to the Revenue Divisional Commissioner (Central Division)-cum-

Consolidation Commissioner to dispose of Consolidation Revision Nos.116 and 117 of 2013 within a period of six months. Till disposal of the revisions, further proceedings in Title Appeal No.03 of 2002 shall remain stayed.”

3. Filing the present Writ Petition, learned counsel for the Petitioner alleges, in spite of the direction to the Revenue Divisional Commissioner (Central Division)-cum-Consolidation Commissioner to dispose of Consolidation Revision Nos.116 & 117 of 2013 within six months, the Revisions are not being disposed of as of now. This Court finds strange in the action of the Revenue Divisional Commissioner (Central Division)-cum-Consolidation Commissioner in not adhering to the direction of this Court in disposal of CMP No.518 of 2014. To find no further loss of time, this Court disposes of the Writ Petition again directing the Revenue Divisional Commissioner (Central Division)-cum-Consolidation Commissioner to dispose of Consolidation Revision Nos.116 & 117 of 2013 at least within three months as matter of last chance. Till disposal of the above Revisions, the interim direction granted in disposal of the CMP in staying further proceeding in T.A. No.3 of 2002 shall continue.

(Biswanath Rath)
Judge

M.K.Rout