

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.18831 of 2022

Renu Nanda

....

Petitioner(s).

Miss.Deepali Mahapatra, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

27.09.2022

Order No.

03

1. Heard learned counsel appearing for the parties.
2. Proceeding involves quasi judicial exercise of the Settlement Authority under the provisions of Orissa Survey & Settlement Act, 1958. Taking this Court to the development through objection case and materialized through appeal vide Annexures-3 and 5, learned counsel for the petitioner demonstrated when the objection case involved particular hal plot and hal Khata in the appeal in spite of petitioner's providing the corresponding sabik Khata, plot number vis-à-vis hal Khata and plot number given therein at page 33, in the conclusion it appears, there has been reference to some reporting showing completely different sabik plots which are nothing to do with the case of the petitioner. Through the instruction, Mr.Panda, learned Additional Government Advocate indicates the plot reference dealt in the appeal order appears to Aanabadi Khata and therefore cannot be settleable in favour of the petitioner. For clear demonstration of the petitioner through the discussions in page 33 of the impugned order at Annexure-5 and reading together with plot

descriptions, hal Khata vis-à-vis sabik Khata and plot as well as this Court finds there is possibly disposal of the matter depending on some report involving some other plots. It is only for this, this Court interferes in the impugned order at annexure-5 and sets aside the same. However, since there is requirement of re-determination of the appeal, the matter is remitted back to the Addl. Sub-Collector, Bhubaneswar-opposite party no.4 to re-adjudicate the appeal confining to the hal Khata, plot vis-à-vis corresponding sabik Khata and plot. It is further observed that for the report submitted by the competent authority and relied on should be available to the litigants, thus copy of the same may also be supplied to the petitioner for having her objection if any. Matter is remanded. Party is directed to appear before the opposite party no.4 with certified copy of this order on 12.10.2022 to take date of final hearing..

3. Further proceeding involving the Appeal vide Annexure-3 shall also be concluded at least within a period of two months from the date of appearance.

(Biswanath Rath)
Judge

sks