

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2219 of 2015

Harekrishna Das

..... Petitioner

Mr. Suvashish Pattnaik, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

22.02.2022

Order No.

4. 1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 12th September, 2013 (Annexure-7) passed by the Settlement Officer in Appeal Case No.1561 of 2013, whereby he confirmed the order dated 31st May, 2013 (Annexure-6) of the Assistant Settlement Officer, Patharagadia, Rental Colony, Bhubaneswar-Opposite Party No.4 passed in Objection Case No.16540 of 2013.
3. In course of hearing, Mr. Mishra, learned ASC submits that final ROR under Section 12-B of the Odisha Survey and Settlement Act, 1958 (for short, 'the Act') has already been published. Hence, the Petitioner has remedy of assailing the correctness of ROR by filing revision under Section 15(b) of the Act.
4. It is submitted by Mr. Pattnaik, learned counsel for the Petitioner that the delay in filing the revision may be considered liberally and while considering the revision petition on merit, the revisional authority may take into consideration the ratio

decided in the case of *Vijay Krishna Poultry Pvt. Ltd Vs. State of Odisha*, reported in (2021) 2 OLR 280.

5. In view of the above, learned counsel for the Petitioner prays for withdrawal of the writ petition to file properly constituted revision before learned Member Board of Revenue under Section 15(b) of the Act.

6. Considering such submissions, the writ petition is disposed of as withdrawn. It is observed that if the Petitioner files revision petition under Section 15(b) of the Act within a period of three weeks hence along with a petition for condonation of delay in filing the revision, the same shall be construed liberally taking into consideration the pendency of the writ petition as well as settled position of law.

7. Certified copy of order under Annexures- 6 and 7 shall be returned to the Petitioner on being substituted with attested photocopies thereof.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge