

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23222 OF 2022

Dharanidhar Sahoo and others ***Petitioner(s)***
Mr.P.Mohanty,Sr.Adv.
assisted by
Mr.P.Mohanty,Adv.

-versus-

***Addl. Commissioner/Addl.
Revisional Court under Member,
Board of Revenue, Odisha,
Bhubaneswar and others*** ***Opposite Party(s)***
Mr.S.Ghose,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
10.10.2022

Order No.

01. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves an application under Section 15(b) of the Odisha Survey & Settlement Act, 1958. Petitioners taking stand in the event they would have been noticed in the Survey Settlement proceeding, they would have contested the claim of the Petitioners therein. It is alleged that the application also involves some dead persons and thus a request is made to entertain the Writ Petition and to pass appropriate order.
3. Looking to the power of the authorities in exercise under Section 15(b) of the Odisha Survey & Settlement Act appears, it merely involves direction for correction of Record of Right undisputedly not authorizing such authorities in undertaking the exercise to adjudicate inter-se disputes between the parties involved therein. Law has been fairly well settled holding preparation of Record

of Right neither creates right nor extinguishes right of any person involved.

4. In the circumstance, since this Court finds undisputedly the parties entered into a controversy over right, title and interest of the property, for the opinion of this Court the only course in this situation lies with such party to approach the Civil Court for appropriate remedy.

5. In the circumstance, while observing the Writ Petition is not entertainable at this stage of the matter this Court also observes the decision of Survey Settlement Authority is however ultimately be bound by the decision of the Civil Court.

6. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

Swarna

