IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23324 OF 2022

Manaswini Ray Samanta .... ***Petitioner(s)***
Mr.B.Bhuyan,Adv.

-versus-

State of Odisha and others .... ***Opposite Party(s)***
Mr.S.P.Panda,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
10.11.2022

Order No.

03. 1. Heard learned counsel for the Parties.

2. Core issue involved herein whether the Appeal involving the impugned order herein is permissible to be raised at the instance of the Tahasildar, Puri. In Course of hearing to find out if the Tahasildar, Puri filed Appeal under OLR Act when the property belongs to States and the Collector is the custodian of such property, a decision of this Court on the selfsame issue has been brought to the notice supporting the stand of the Petitioner. Perused the decision rendered by this Court on 13.10.2022 wherein this Court has already come to hold the Appeal involving the revenue cannot be agitated by the Tahasildar, Puri further also keeping in view that the original orders having been passed by either the Tahasildar or the Additional Tahasildar in the capacity of the Tahasildar, the decision referred to herein is squarely applied to the case at hand.

3. As a consequence, since finds the Appeal itself was not entertainable, this Court interferes in the impugned order at

Annexure-6 and sets aside the same. Setting aside the impugned order at Annexure-6 on technical grounds will not however stand on the way of the competent authority, if so advised in undertaking an Appeal exercise.

4. The Writ Petition thus stands disposed of.

(Biswanath Rath)
Judge

Swarna