

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.23670 of 2022

Durga Devi & Ors.

....

Petitioner(s).

Mr.S.Khandayatray, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

23.09.2022

Order No.

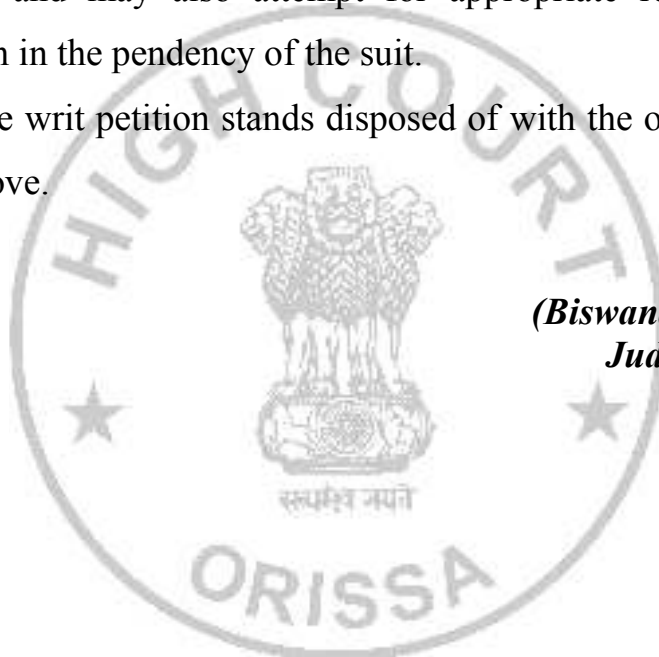
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1. Heard learned counsel appearing for the petitioner.
2. Writ petition involves a challenge to the order involving revision under Section 15(b) of the Orissa Survey & settlement Act, 1958. In deciding the fate of Section 15(b) order, this Court has already taken a view through W.P.(C).No.23008 of 2022 to the effect that the outcome involving Section 15(b) proceeding is only preparation of record-of-right. Record- of- Right in the process neither creates right, title and interest in favour of anybody nor extinguish anybodies right. The interse dispute, if any, between the parties are only to be resolved through Civil Court,.
3. In the circumstance and as this Court has already come to hold there is no room for challenging Section 15(b) order except party, if so aggrieved, may prefer a civil dispute. The question raised by learned counsel for the petitioner that there may be further confusion involving the property involved. This Court opines in the event a suit is instituted, there is sufficient provision to block any illegality on the basis of such orders even by way of injunction. Coming to the question of no opportunity to the petitioner, from the cause title as

well as from the impugned order, this Court finds petitioner involving Kanika Estate is in the litigation and represented by one of the Sons. Once the entire estate is made party, for the opinion of this Court, the representation of the Estate used to represent the interest of all involving the Estate. There is no necessity of making individual as party. Further, for the opinion of this Court, 15(b) proceeding order cannot declare right, title and interest of any person involved therein. Petitioners if so aggrieved, may bring appropriate Civil litigation and may also attempt for appropriate relief by way of injunction in the pendency of the suit.

3. The writ petition stands disposed of with the observation made hereinabove.

sks



(Biswanath Rath)
Judge