

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24275 of 2022

Gurupada Biswas

....

Petitioners

Smt. P.P. Mohanty,
Advocate

-versus-

Collector, Malkangiri & Ors.

....

Opposite Parties

Mr. S.P. Panda,
Addl. Govt. Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER

14.10.2022

Order No.

01.

1. On consent of the parties and for the involvement of small question challenging the impugned order, this Court undertakes the hearing exercise at the fresh admission stage. It is clarified that this is a writ of certiorari and there is no requirement of counter affidavit. This Court only takes into account the argument, pleadings and documents available in the Writ Petition in finalizing the Writ Petition.

2. Taking this Court to the Sabik R.O.R learned counsel for the Petitioner contended that the Sabik R.O.R vide Annexure-1 has been prepared in respect of the Petitioner's property vide the Plot number No.2/1 and 2/521 showing the same to be the Kissam Dhana-2 and Paddy-2. It is claimed that in preparation of Hal R.O.R in Annexure-2 the Plot No.2/1 and 2/521 have been converted to be Plot Nos.64 & 65 respectively but in Kissam of the land has been erroneously indicated to be Jalayasaya in nature. It is for wrong preparation of

the Sabik R.O.R the Petitioner preferred a revision U/s.15(b) of the O.S.S. Act being registered as S.R.P. No.31 of 2018.

3. Taking this Court to the above background of the matter alleging wrong committed through Annexure-2 Smt. Mohanty, learned counsel for the Petitioner reading through the observation made in the impugned order submitted that there is no proper understanding of the case of the Petitioner by the Asst. Settlement Officer and therefore there is illegal rejection of the petition U/s.15(b) of the O.S.S. Act, which needs be interfered with and set aside.

4. Mr. Panda, learned State Counsel, however, while not disputing the fact in the preparation of the Sabik and Hal R.O.R and thereby giving rise the Petitioner to bring the proceeding U/s.15(b) of the O.S.S. Act, however taking this Court to the observation of the Assistant Settlement Officer, submitted that there is no infirmity in the order requiring to be interfered with.

5. Considering the rival contentions of the parties and on perusal of the Sabik as well as the Hal R.O.R, this Court observes, in the event the Sabik Plot Nos.2/1 and 2/521 have been converted to Hal Plot Nos.64 & 65 as established through documents vide Annexures-1 & 2 respectively, there is appearance of wrong noting of the Kissam of the land while preparation of the Hal R.O.R. It is, in this view of the matter, this Court finds, there is inappropriate consideration of the matter by the authority exercising power U/s.15(b) of the O.S.S. Act and therefore this Court interfering in the impugned order at Annexure-3(series), sets aside the same and remits the matter to the Asst. Settlement Officer, Records, Jeypore for re-adjudication of the S.R.P. No.31/2018 in accordance with law, but however, after ascertaining that the case land relates to Sabik

Plot No.2/1 and 2/521 corresponding to Hal Plot Nos.64 & 65. The further proceeding vide S.R.P. No.31/ 2018 shall be concluded within a period of two months from the date of communication of a certified copy of this order by the Petitioner, but however, in the involvement of the Petitioner.

6. The Writ Petition stands disposed of with the above order.

(Biswanath Rath)
Judge

Ayaskanta Jena

