

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.25138 OF 2022

Sasmita Mohapatra

....

Petitioner

Mr.S.K.Joshi, Advocate

-versus-

Collector & D.M., Nuapada & ors.

....

Opposite Party

Mr.S.Mishra, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
26.9.2022**

**Order
No.01**

1. Heard learned counsel for the Parties.
2. There is a serious allegation through the Writ Petition involving Annexure-7. Taking this Court to the contents in the correspondence under Annexure-7 made to the Appellate Authority by the Tahasildar, Khariar and asking to review the mutation cases and necessary action involving a fresh proceeding, learned counsel for the Petitioner submits, undisputedly there is pendency of Review Misc. Case No.14/2022.
3. This Court here finds, once the Sub-Collector is the superior authority and he is required to exercise appeal jurisdiction, the Tahasildar should have not involved the Sub-Collector and there may not be any impediment, if the Tahasildar seeks any information through the R.I.

concerned. In the process, this Court finds, this is a dangerous strategy going to be adopted by the Tahasildar in seeking his review and action of Superior Authority involving a proceeding of this nature. This Court finds, if such processes are accepted, there will be no independent exercise of mind by the Tahasildar, even in his quasi-judicial power.

4. This Court, therefore, sets aside the communication under Annexure-7 and directs the Tahasildar, Khariar to apply his independent mind in disposing of the Review Petition involved.

5. With the above observation/direction, the Writ Petition stands disposed of.

M.K.Rout

(Biswanath Rath)
Judge

