

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.25780 of 2022

Archana Samal

.... ***Petitioner(s).***
Mr.S.Satpathy, Advocate

-versus-

State of Odisha & Ors.

.... ***Opposite Party(s)***
Mr.U.K.Sahoo, ASC

**CORAM:
JUSTICE BISWANATH RATH**

ORDER

29.09.2022

Order No.

01

1. Heard learned counsel appearing for the parties.
2. Through Annexure-6, it has been established that same Revenue Inspector Office in the year 1979 in Ceiling Case No.157 of 1974 has satisfied that there has been clearing of all arrear dues at appearing at page 67 of the brief and the impugned orders alleged to have been in non-consideration of their own material. A further ground is also raised that when the matter was taken up on 08.06.2020 after certain development recorded therein, the case was next posted to 29.06.2020. There has been no proceeding on 29.06.2020 and without further information, it is alleged the matter is taken behind the back of the petitioner on 29.06.2020 and disposed of. Learned counsel for the petitioner while alleging that the order dated 08.06.2020 appears to be contrary to their own earlier report alleges keeping in view the nature of dispute, there should not have been ex-parte disposal of such matter. This Court finds there is force in the allegation made hereinabove.

3. Learned State Counsel could not refute the allegation on the ex parte nature of order involved herein.

4. In the circumstance, this Court setting aside the order dated 29.06.2020 remits the matter back to the Revenue Inspector, Paikarapur-opposite party no.4 for re-determination of the issue involved therein but, however, taking into consideration the material existing and also any further material produced by the petitioner to support of her case.

5. Let the order of this Court may be brought to the notice of the Revenue Inspector-opposite party no.4 at least within a period of ten working days. On service of copy of this order, the Revenue Inspector-opposite party no.4 shall do well in undertaking the fresh disposal involving Mutation Case No.9758 of 2020 and complete the entire exercise in the involvement of the petitioner within a period of two months.

(Biswanath Rath)
Judge

sks