

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32299 of 2021

Ashok Kumar Mohanty

....

Petitioner

Mr.Amitav Tripathy, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr.H.M. Dhal,
Additional Government Advocate
(For Opposite Party Nos. 1 to 4)

CORAM:

**JUSTICE BISWAJIT MOHANTY
JUSTICE K.R.MOHAPATRA**

ORDER

11.01.2022

Order No.

IA No.195 of 2022

2. This matter is taken up through Video Conferencing Mode.
2. This is an application for amendment of the writ petition.
3. Heard Mr. Tripathy, learned counsel for the Petitioner and Mr. Dhal, learned AGA.
4. Considering the submissions made and grounds taken, prayer for amendment is allowed.
5. Mr. Tripathy has already filed the relevant page containing the consolidated prayer.
6. Office is directed to place the same in the appropriate place.
7. The IA is disposed of.

**(Biswajit Mohanty)
Judge**

**(K.R. Mohapatra)
Judge**

PTO

3.

W.P.(C) No.32299 of 2021

1. Heard Mr. Tripathy, learned counsel for the petitioner and Mr. Dhal, learned Additional Government Advocate.

2. According to Mr. Tripathy, the settlement of a piece of government land in favour of the Petitioner allowed by Tahasildar, Surada in GKLS Case No.73 of 2002 has been set aside by the Revenue Divisional Commissioner (Southern Division), Odisha, Berhampur in OGLS No.1 of 2017 under Annexure-1 behind his back. Mr. Tripathy further submits that in OGLS No.1 of 2017, which was allowed by the RDC, Berhampur, the Petitioner was never noticed and accordingly, he submits that the impugned order as at Annexure-1 is liable to be set aside.

3. Having heard learned counsel for the parties, this Court is of the considered opinion that materials available on record are not sufficient to decide this case basing upon the submission made by Mr. Tripathy. Rather RDC, Berhampur is competent to take a decision in the matter after verifying the records available before him.

4. Accordingly, we permit the Petitioner to file a recall petition before Opposite Party No.2-Revenue Divisional Commissioner (Southern Division), Berhampur within a period of two weeks along with a copy of this order. In the event such a petition is filed, Opposite Party No.2 is directed to take a decision on the same in accordance with law after giving reasonable opportunity of hearing to the Petitioner as well as Opposite Party Nos. 4 and 5. The entire exercise shall be completed within a period of six months from the date of filing of the recall petition.

5. Till disposal of the recall petition, status quo as on date with regard to lands covered under GKLS Case No.73 of 2002 giving rise to OGLS No.1 of 2017 shall be maintained.

6. With the aforesaid direction the writ petition is disposed of.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

