

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 33255 of 2021

Dukhishyam Pahadsingh

....

Petitioner

Mr.Sanjib Kumar Bhanjadeo,
Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Sarojananda Mishra,
Additional Government Advocate

CORAM:

JUSTICE K.R.MOHAPATRA

ORDER

03.01.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the order dated 30th July, 2021 (Annexure-5) passed by the Commissioner, Consolidation and Settlement, Odisha, Bhubaneswar in R.P. Case No. 30 of 2021.
3. Mr. Bhanjadeo, learned counsel for the Petitioner submits that pursuant to the notice issued, the Petitioner entered appearance on 23rd July, 2021 and filed an application for adjournment to file show cause reply and defend his case. Considering his application, the Commissioner posted the matter three days after, i.e. on 26th July, 2021 and without granting a reasonable opportunity to the Petitioner to defend his case, heard the matter and pronounced the impugned order on 30th July, 2021. It is further submitted that the Petitioner has a fair chance of success in the revision. As he was not granted sufficient opportunity to file show cause reply and put-forth his case, he

could not defend his case. Thus, the impugned order is not sustainable in the eyes of law.

4. Mr. Mishra, learned Additional Government Advocate submits that the Commissioner taking into consideration the materials available on record passed a reasoned order, which needs no interference.

5. Taking into consideration the facts and circumstances of the case as well as the submissions made by learned counsel for the parties, this Court is of the considered opinion that the Petitioner should have been given a reasonable opportunity to file his show cause reply and submit the documents in support of his case.

6. In view of the above, this writ petition is disposed of with a direction that in the event the Petitioner files an application for recall of the order dated 30th July, 2021 (Annexure-5) passed by the Commissioner, Consolidation and Settlement, Odisha, Bhubaneswar in R.P. Case No. 30 of 2021 within a period of two weeks hence along with certified copy of this order, the Commissioner, Consolidation and Settlement, Odisha, Bhubaneswar-Opposite Party No.2 shall consider the same giving opportunity of hearing to the parties concerned and pass a reasoned order thereon keeping in mind the observation made above.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge