

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.29385 OF 2022

Lona Nayak

....

Petitioner(s)

Mr.K.M.H.Niamati,Adv.

Assisted by

Ms.D.Shukla,Adv.

-versus-

***Add. Revisional Court No-III,
Board of Revenue, Khurda and
others***

....

Opposite Party(s)

Mr.S.Ghosh,AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
29.11.2022**

Order No.

02.

1. Heard learned counsel for the Parties.
2. Undisputedly the original application at Annexure-2 involved the following schedule of land:-

SCHEDULE OF LAND

Dist-Khordha, Tahasil-Bhubaneswar, PS-Chandaka no-47, Mouza-Gothapatana, Hal Khata no 472, Hal plot 594 Area Ac.0.053 dec corresponding to Sabik khata no 142, sabik plot no-574, (Sub plot No 7) out of Ac.3.470 dec.

3. Based on the claim in Annexure-2, it appears, there has been finality of such proceeding by the authority vide Annexure-3. It appears only after coming to note that there has been wrong description of property in the application moved to the competent authority, a Misc. Case No.75 of 2022 has been filed vide Annexure-7 to correct the property description claiming to be in terms of the property description in the deed at Annexure-1. There is no dispute

that property description in the original application did not tally in the property description with the deed at Annexure-1.

4. In the circumstance, this Court finds, there is no illegality on the part of the competent authority in disposal of the proceeding initiated under Section 15(b) of the O.S.S. Act. For there is finality of 15(b) proceeding and strictly in terms of the claim of the Petitioner in his application, this Court observes, there is no wrong committed by the competent authority. It is a different aspect for wrong description of the property in the proceeding involved impugned order, if the order therein does not come to the rescue of the Petitioner instead filing of a Misc. Case to make the correction of wrong, nothing prevents the Petitioner in approaching by way of a fresh application under Section 15(b) but however disclosing that there was an earlier mistaken attempt and result of which does not come to rescue of the Petitioner and the order rendered therein remain innocuous.

5. With this observation, this Court declines to interfere in the impugned order, however, in the event a fresh initiative is made under Section 15(b) proceeding with correct approach, there shall be independent exercise of mind and fresh order be passed without being influenced by the observation in Annexure-3.

6. The Writ Petition thus stands disposed of.

(Biswanath Rath)
Judge

Swarna