

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 35128 of 2021

Rabindranath Samal

....

Petitioner

Mr. Satyaranjan Mohapatra, Advocate

-versus-

***The Commissioner, Consolidation,
Odisha, Cuttack and others***

....

Opp. Parties

Mr. Dillip Kumar Mishra,
Additional Government Advocate
(For Opposite Party No.1)

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
07.02.2022**

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. Petitioner in this writ petition assails order dated 12th February, 2015 (Annexure-4) passed by Commissioner, Consolidation, Odisha, Cuttack in Revision Case No.23 of 2013 filed under Section 37(1) of OCH and PFL Act, 1972.
 3. It is submitted by Mr. Mohapatra, learned counsel for the Petitioner that the Revision Petition was dismissed solely on the ground that the Petitioner could not produce the registered sale deed, plot index and other relevant documents to substantiate his case. It is his submission that the Petitioner was asked to submit photocopy of the documents, which was filed before the Commissioner, Consolidation. However, he was holding the original of such documents. Had he been given time to produce the same he could have produced the same. Hence, he prays for quashing of the impugned order and to remit the matter back to the Commissioner, Consolidation for fresh

adjudication of the Revision Case giving opportunity to Petitioner to produce the originals of aforesaid documents.

4. Mr. Mishra, AGA submits that the impugned order was passed on 12th February, 2015 and the delay explained in the present writ petition is not satisfactory. However, if the Petitioner intends to produce originals of those documents in support of his case he may file an application for recall of the impugned order and also make a prayer before Commissioner, Consolidation-Opposite Party No.1 to produce those documents in support of his case

5 Taking into consideration the submissions of learned counsel for the parties, this Court without expressing any opinion on the merit of the case of the Petitioner, disposes of the writ petition with a direction that in the event the Petitioner files an application for recall of order dated 12th February, 2015 (Annexure-4) passed by Commissioner, Consolidation, Odisha, Cuttack-Opposite Party No.1 in Revision Case No.23 of 2013 along with certified copy of this order he shall do well to consider the same giving opportunity of hearing to the parties concerned and pass a reasoned order thereon in accordance with law.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge