

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.30605 OF 2022

Khirod Kumar Pradhan

....

Petitioner

Mr.M.Mohanty, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.Mishra, ASC

CORAM:

JUSTICE BISWANATH RATH

Order

No.

2.

ORDER

5.12.2022

1. Heard learned senior counsel for the Parties.
2. The impugned order vide Annexure-9 and the consequential order at Annexure-10 are all challenged on a ground of law that in a proceeding under Section 15(b) of the O.S.S. Act, the Commissioner himself has to take a decision on the issue involved and under no circumstance, the Commissioner has the power to remand the matter to the Tahasildar. There is no dispute however the Commissioner is authorized to call for report from the Tahasildar and involve in such adjudication. For exercising of such power by the Tahasildar, Petitioner claims such exercise of power remain contrary to a decision of this Court in the case of ***Smt. Bijaya Chatterjee vrs. Commissioner, Land Records and Settlement, Orissa and ors.*** reported in 2000(II) OLR-349. This Court finds, the Petitioner has a

strong case to be considered and accordingly directs issue notice to the Opposite Parties.

3. Since Opposite Party Nos.1 and 4 to 8 will be represented by learned State Counsel, six extra copies of the Brief be served on him within three working days. Notice be issued to O.Ps.2 & 3 by Speed Post with A.D./Registered Post with A.D. fixing a short returnable date. Requisites, as undertaken, be filed by 7.12.2022.

(Biswanath Rath)
Judge

I.A.NO.15516 OF 2022

3. 1. Issue notice as above. Accept one set of process fee.
2. As an interim measure, all the Parties are directed to maintain status quo as on today in respect of the disputed property and there shall not be any interference in the nature of property till the next date of listing.

(Biswanath Rath)
Judge

M.K.Rout