

THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO.29153 OF 2019

Sushanta Kumar Das

....

Petitioner
In person

-versus-

State of Odisha and others

....

Opp. Parties
Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
14.02.2022

1. 1. This matter is taken up through hybrid mode.
2. 2. This writ petition has been filed challenging the order dated 28th June, 2017 passed by the Joint Commissioner, Settlement and Consolidation, Cuttack-Opposite Party No.2 in R.P. Case No.592 of 2015, whereby the Joint Commissioner dismissed the revision petition under Section 15(b) of the Orissa Survey and Settlement Act, 1958.
3. 3. The Petitioner, who appears in person, submits that as many as nineteen cases have been filed by him before Opposite Party No.2. On 28th June, 2017, the delay was condoned. On the same day, the Joint Commissioner disposed of the matter. He further submits that no opportunity of hearing is provided to him. An identical matter came up for consideration before this Court in W.P.(C) No. 8737 of 2018. A Bench of this Court set aside the order and remitted the matter back to the Opposite Party No.2 to dispose of the same after affording opportunity of

hearing to both the parties. In view of the same, the matter may be remitted back to the Opposite Party No.2.

4. In W.P.(C) No. 8737 of 2018, a Bench of this Court set aside the order and remitted the matter back to the Opposite Party No. 2 for *de novo* hearing.

5. In that view of the matter, this Court while setting aside the impugned order, remits the matter back to the Joint Commissioner, Settlement and Consolidation, Cuttack-Opposite Party No.2 for a *de novo* hearing. The Opposite Party No.2 shall do well to dispose of the matter after affording opportunity of hearing to the Petitioner as well as the Opposite Parties. In order to avoid further delay in the matter, the Petitioner is directed to appear before the Joint Commissioner, Settlement and Consolidation, Cuttack-Opposite Party No.2 on 3rd March, 2022 along with certified copy of this order to receive further instruction in the matter.

6. Since this writ petition is disposed of at the stage of admission, it is open to the Opposite Party Nos.5 to 13 to file an application for recalling/variance of the order, if they so like.

The writ petition is accordingly disposed of.

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

(K.R. Mohapatra)
Judge

bks/ms

Later

Record in W.P.(C) No. 29110 of 2019 be returned to concerned Section forthwith.

(K.R. Mohapatra)
Judge