

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36444 of 2021
(Through hybrid mode)

Sk. Sabuddin & others

.... Petitioners

Mr. S.B.Mohanty, Advocate

-versus-

State of Odisha and others

.... Opposite Parties

Mr. A.K.Sharma, A.G.A.

CORAM:

**JUSTICE ARINDAM SINHA
JUSTICE SASHIKANTA MISHRA**

ORDER
02.11.2022.

Order No.

04. 1. Mr. Mohanty, learned advocate appears on behalf of petitioners. He submits, his clients being landless had been settled upon them some land. There was a rent case. He draws attention to order dated 28th February, 1995 made by the Tahasildar passed in SRF Case no.912/1980, from which passage relied on is extracted and reproduced below.

“The following raiyats are being possessed the suit land they are the legal heirs of Sabik Khta holders. So the land is settled in their favour under raiyati basis subject to payment of back rent and cess without payment of Salami they are landless person”.

2. Mr. Sharma, learned advocate, Addl. Government Advocate appears on behalf of State. He submits, petitioners have efficacious alternative remedy. He relies on circular dated 2nd February, 2017 issued by Principal Secretary to Government Revenue Disaster Management Department saying, inter alia, any person aggrieved by order of settlement as confirmed by Sub-collector, may file an appeal before ADM/Collector within 60 days of the confirmation. On further query from Court Mr. Sharma submits, by impugned order there has been settlement of the land in favour of the Government hence, petitioners if aggrieved have to file appeal before the ADM/Collector. By order dated 28th September, 2018 the Sub-Collector had confirmed the settlement. He submits, in event the appeal is filed within 60 days from date his client will not contend delay in filing the appeal.

3. Without expressing any opinion on contentions of the parties but relying on State's contention of efficacious alternative remedy available, as provided by said circular dated 2nd February, 2017, petitioners are directed to take their grievance by way of appeal to the ADM/Collector, within 60 days from date. The authority will not allow the administration to question maintainability of the appeal, either on jurisdiction or on delay.

4. Status quo be maintained till 2nd February, 2023. For continuance of the interim measure, order of the appellate authority is to be obtained

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

(Sashikanta Mishra)
Judge

A.K.Behera

