

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.31674 OF 2022

Bimbadhar Senapati

....

Petitioner(s)

Mr.S.N.Mishra,Adv.

-versus-

State of Odisha and others

....

Opposite Party(s)

Mr.U.K.Sahoo,ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

29.11.2022

Order No.

02.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves a challenge to the order of the Tahasildar, Balipatna vide Annexure-2 being contrary to the order of the competent authority vide Annexure-1. It is on the premises of the order at Annexure-1 is passed by the competent authority in exercise of power under Section 37(1) of the O.C.H. & P.F.L. Act, 1972, Mr.Mishra, learned counsel for the Petitioner contended that the revisional authority passing the order at Annexure-1 is binding to all subordinate authorities. Learned State Counsel however submits for the reason assigned by the Tahasildar, there appears there is no infirmity in the impugned order requiring to be interfered.
3. This Court considering the bindingness of the order passed by the competent authority under Section 37(1) of the O.C.H. & P.F.L. Act in disposal of W.P.(C) No.20072 of 2022 on 07.09.2022 has already come to hold that the Tahasildar in the circumstance being the subordinate authority is bound by the orders of the revisional

authority passed in exercise of power under Section 37(1) of the O.C.H. & P.F.L. Act.

4. In the circumstance this Court finds, the Tahasildar, Balipatna wrongly passed the order at Annexure-2, accordingly this Court sets aside the order at Annexure-2 as it is contrary to the quasi-judicial authorities pronouncement. Since there is need for fresh adjudication, this Court remits the matter back to the Tahasildar concerned involving a fresh disposal of the proceeding and pass order strictly in terms of the direction in Annexure-1 by completing the entire exercise at least within a period of one and half months from the date of communication of this order by the Petitioner. Petitioner is directed to appear before the Tahasildar- Opposite Party No.3 on 08.12.2022 along with copy of this order.

5. The Writ Petition stands disposed of.

6. Free copy of this order be handed over to learned State Counsel.

(Biswanath Rath)
Judge

Swarna