

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P.(C) No.32025 OF 2022**

***Bishnu Charan Sahoo*** ..... ***Petitioner(s)***  
Mr.G.S.Mohanty,Adv.

-versus-

***State of Odisha and another*** ..... ***Opposite Party(s)***  
Mr.S.P.Panda,AGA

**CORAM:**  
**JUSTICE BISWANATH RATH**

**ORDER**  
**30.11.2022**

**Order No.**

01. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves a challenge to the order passed by the Commissioner in exercise of power under Section 15(b) of the O.S.S. Act, 1958 more particularly challenging to the direction of the Commissioner in remand of the matter to the Tahasildar, Cuttack Sadar- Opposite Party No.2 and taking appropriate action at his end. This Court has already in a number of cases come to observe for the power vested with the Commissioner under the provision of Section 15(b) of the O.S.S. Act, the Commissioner himself is to work out the entire action, if necessary, it may involve a report of the Tahasildar concerned on essential aspect, if any, but in no circumstance it can direct the Tahasildar to exercise his jurisdiction. Thus order at Annexure-1 becomes illegal.
3. In this circumstance this Court sets aside the order at Annexure-1 and remits the matter to the Commissioner for his own exercise in deciding the matter with liberty of involving report of the Tahasildar but only on relevant aspects, if any. Let further exercise

involving the R.P. Case No.536 of 2011 be concluded within a period of two months from the date of communication of this order by the Petitioner.

4. The Writ Petition thus stands disposed of.

**(Biswanath Rath)**  
**Judge**

*Swarna*

