

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.38247 of 2021

Janaki Devi @ Janki Mishra* *Petitioner

Mr.Prafulla Chandra Das, Advocate

-versus-

State of Odisha and others* *Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opposite Party Nos.1 to 4)

**CORAM:
JUSTICE K.R. MOHAPATRA**

Order No.

**ORDER
25.02.2022**

3. 1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition seeks for a direction to set aside order dated 16th July, 2021 (Annexure-1) passed by the Additional Commissioner, Additional Revisional Court No.2, Camp Court, Bhubaneswar in OSS No.247 of 2019 filed by Opposite Party No.5- Padma Charan Padhi under Section 15(b) of Odisha Survey and Settlement Act.
3. Mr. Das, learned counsel for the Petitioner submits that Opposite Party No.5 filed the revision application showing Chhanda Charan Dash (Opposite Party No.8), as the legal heir of Gopal Chandra Das. But the Petitioner being the daughter is the only legal heir of said Gopal Chandra Das. In support of her case, the Petitioner filed the legal heir certificate issued by the Tahasildar, Bhubanswar under Annexure-4. It is his submission that the Petitioner being the sole legal heir of Gopal Chandra Das is a necessary party to the said revision. She being not

given an opportunity of hearing, the impugned order is bad for non-compliance of principles of natural justice and non-impletion of necessary parties. Hence, he prays for setting aside of the impugned order and remit the matter back to the revisional Court for fresh adjudication in accordance with law.

4. In course of hearing, Mr. Das, learned counsel for the Petitioner submits that interest of justice will be best served, if the Petitioner makes an application for recall of order dated 16th July, 2021 (Annexure-1) passed in OSS No.247 of 2019.

5. Mr. Mishra, learned ASC submits that in the event such an application is filed the revisional Court will be in a position to verify the record and pass an order in accordance with law giving opportunity of hearing to the parties concerned.

6. Taking into consideration the submissions made by learned counsel for the parties, this Court, without expressing any opinion on the merit of the case of the Petitioner, disposes of the writ petition with a direction that in the event the Petitioner makes an application for recall of order dated 16th July, 2021 stating the grounds, as aforesaid therein, within a period of two weeks along with certified copy of this order, the Additional Commissioner, Additional Revisional Court No.2, Camp Court, Bhubaneswar shall do well to consider the same giving opportunity of hearing to the parties concerned.

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

(K.R. Mohapatra)
Judge