

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33419 of 2022

Piyush Joshi

....

Petitioner(s)

Mr. D. Mohapatra,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Ghose,
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
12.12.2022**

Order No.

01.

1. Heard the submissions of respective parties.

2. Undisputedly the Petitioner is a subsequent purchaser. The original land owner filed the application U/s.8(A) of the O.L.R. Act being registered as OLR Case No.26 /2020 and the same has come to be disposed of by the order dated 12.03.2020 & 21.05.2020 in Annexure-6. There has already been a direction for preparation of the Record of Rights in respect of the land including a further direction for conversion of the status of the land.

3. Taking this Court to the preparation of the record of rights at page 63 of the brief and further indications through different columns in the R.O.R. at page 64 of the brief, it has been alleged that though a Record of Rights has been prepared in favour of the Petitioner, however there is no change in the status of the land used in spite of passing of the order under Annexure-6 thereby causing enormous difficulty on the part of the Petitioner in further transaction in dealing

with the property involved. It is alleged that in spite of an affidavit being filed by the vendor and the vendee i.e. the original owner and the subsequent purchaser, the Tahasildar is not undertaking required exercise for issuing a corrected Record of Rights.

4. For the opinion of this Court since there is no dispute in allowing the conversion vide Annexure-6, the Tahasildar should have been careful while preparing the record of rights in terms of the order of the competent authority vide Annexure-6. For there is technical difficulty in not incorporating the required material and information in preparation of the record of rights in spite of order vide Annexure-6 being produced, this Court finding that this is a fit case to be re-considered, remits the matter to the Tahasildar, Darpan to undertake a review exercise involving the record of rights at page 63 & 64 of the brief and bring out a corrected record of rights strictly in terms of the order of the competent authority vide Annexure-6. The Petitioner shall co-operate the Tahasildar, Darpan for preparation of the Record of Rights. This Court here likes to observe that once the Tahasildar prepares a Record of Rights contrary to the direction of the competent authority and such deficiency is brought to the notice of the Tahasildar, there is even no obstruction in initiating a suo motu review instead of forcing the sufferer for no fault of him to rush to the higher forum to remedy out such illegalities.

5. The entire exercise following the direction hereinabove shall be completed within a period of one & half months from the date of communication of a certified copy of this order by the Petitioner.

6. The Writ Petition stands disposed of with the above order.

7. Free copy of this order be handed over to the learned State Counsel for necessary communication.

(Biswanath Rath)
Judge

Ayaskanta Jena

