

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41528 OF 2021

Swarnalata Banarjee and others* *Petitioners

Mr. Dinabandhu Nayak, Advocate

-versus-

The Commission of Land Records and Settlement, Odisha, Cuttack and others* *Opp. Parties

Mr. Dillip Kumar Mishra,

Additional Government Advocate

For Opposite Party No.1

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

06.01.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition have prayed for a direction for early disposal of Misc. Case No.26 of 2018 (arising out of R.P. Case No.404 of 2010).
3. On perusal of the averments made in the writ petition, it appears that the Petitioners had filed R.P. Case No.404 of 2010 before the Commissioner, Land Records & Settlement, Odisha, Cuttack under Section 15(b) of the Odisha Survey & Settlement Act, 1958 (for short, 'the Act'). But, the aforesaid revision petition was dismissed for non-prosecution on 19th March, 2016. However, when the Petitioners came to know about the dismissal of the revision petition, they filed Misc. Case No.26 of 2018 for restoration of the revision petition. It is averred in the writ petition that although the Petitioners have taken several steps to get the matter listed for issuance of notice in the misc. case, but to no effect. In that view of the matter, they have filed this writ petition for the aforesaid relief.

4. Mr. Mishra, learned Additional Government Advocate for the State submits that he has no instruction in the matter. However, if Misc. Case No.26 of 2018 is pending for restoration of R.P. Case No.404 of 2010, the same should be taken up at an early date and be dealt with in accordance with law.

5. In view of the above, this writ petition is disposed of with a direction that in the event the Petitioners file a memorandum along with certified copy of this order within a period of three weeks hence before the Commissioner, Land Records and Settlement, Board of Revenue, Odisha, Cuttack-Opposite Party No.1 to take up Misc. Case No.26 of 2018 (arising out of R.P. Case No.404 of 2010) for consideration, the same shall be taken up as expeditiously as possible preferably within a period of four weeks from the date of filing of memorandum to that effect as aforesaid.

6. A copy of this order shall be served on learned counsel for the State for information and communication.

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

(K.R. Mohapatra)
Judge

jm