IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30346 of 2024

Abhaya Kumar Swain …. ***Petitioner***

Mr. Pradipta Kumar Mohanty,
Senior Advocate

-versus-

State of Odisha and others …. ***Opp. Parties***

Mr. Jateswar Nayak,
Addl. Government Advocate

CORAM:
JUSTICE S.K. SAHOO
JUSTICE CHITTARANJAN DASH

ORDER

05.12.2024

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

The petitioner Abhaya Kumar Swain has filed this writ petition seeking to quash the order dated 25.07.2013 passed by the Asst. Settlement Officer, Janla, Khurda, opp. party no.5 in Objection Case No.4695/1316/2013 vide Annexure-6 and the consequential RoR, so prepared, as per Annexure-5 in respect of the schedule land.

The impugned order indicates that in spite of giving sufficient opportunity to the petitioner to produce the documents in support of his claim, the documents which were produced before the A.S.O. were held to be insufficient and therefore, the A.S.O.

was of the view that there was every reason to record the suit land as "Abadajyogya Anabadi".

Mr. P.K. Mohanty, learned Senior Advocate appearing for the petitioner submitted that the petitioner has got valid documents in his possession and an opportunity may be given to the petitioner to produce the same before the authority and the concerned authority may be directed to reconsider the same in accordance with law.

Learned counsel for the State has no serious objection to such submission.

Considering the submission made, in order to provide an opportunity to the petitioner, while setting aside the impugned order dated 25.07.2013 passed by the Asst. Settlement Officer, Janla, Khurda, opp. party no.5 in Objection Case No.4695/1316/2013 vide Annexure-6 and the consequential RoR, so prepared, as per Annexure-5 in respect of the schedule land, we grant liberty to the petitioner to produce all the required documents in respect of his claim along with a copy of the writ petition and a copy of this order before the A.S.O., opp. party no.5 within a period of four weeks from today, in the event of which the opp. party no.5 shall do well to consider the same afresh in accordance with law within a period of three months from the date of receipt of a copy of the order along with

other documents as mentioned above. If the opp. party no.5 is not satisfied that the documents filed by the petitioner are sufficient, he is at liberty to pass appropriate order in accordance with law and communicate his decision to the petitioner within a period of two weeks thereafter of taking the decision. However, the petitioner may be given an opportunity of hearing in support of his claim. It is made clear that we have not expressed any opinion on the merits of the claim of the petitioner

With the aforesaid observation and direction, the writ petition stands disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

(Chittaranjan Dash)
Judge

PKSahoo

Signature Not Verified
Digitally Signed
Signed by: PRAMOD KUMAR SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 07-Dec-2024 17:27:13