IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.8830 of 2015
CNR No. ODHC010493702015

Sachimata Badpanda and others ..... **Petitioners**

Represented by Adv. - Ms.Sandipani Misra

-versus-

Achyuta Gopal Rath And Persons ..... **Opposite Parties**

Represented by Adv. – Mr. D. Lenka, AGA

CORAM:
MR. JUSTICE SASHIKANTA MISHRA
ORDER
09.11.2026

Order No. 06

1. This matter is taken up through hybrid mode.

2. The name of Mr. N.C. Pati be deleted from the cause list.

3. Heard learned Counsel for the petitioners and learned Addl. Government Advocate for the State.

4. The petitioners have filed this writ application with the following prayer.

> *"It is therefore prayed that Your Lordship may graciously be pleased to admit the Writ Petition, issue Rule Nisi in the nature of writ of certiorari calling upon the Opp. Parties to show cause as to why the impugned order dated 12.02.2015 passed by the learned Addl. Commissioner, Settlement & Consolidation, Sambalpur in Consolidation Revision Case Petition No.51 of 1991 vide Annexure -7 shall not be quashed/set aside and further as to why the Consolidation authorities shall not be directed to record the disputed land in question in the name of the petitioners jointly;*
>
> *And in the event the Opp. Parties fail to show cause or show insufficient cause the said Rule be made absolute;*
>
> *And consequently, the impugned, order dated 12.02.2015 passed by the learned Addl. Commissioner, Settlement & Consolidation, Sambalpur in Consolidation Revision Case No. 51 of 1991 vide Annexure - 7 be quashed / set aside with a direction to the Consolidation authorities to record the disputed land jointly in the name of the petitioners;*
>
> *And may pass any such other writ(s) /direction(s) / order(s) as deem just and proper;*

And for this act of kindness the petitioners as in duty bound shall ever pray."

5. It is contended that though the revision was dismissed for default as per order dated 21.07.2008 and restoration petition was also filed, yet no order allowing the restoration was passed and the matter was heard on merits. It is further contended that one of the parties being opposite party No.2 in the revision had died but no steps were taken to substitute him. The Commissioner in the impugned order has referred to the substitution of the deceased party in another consolidation revision, but has not passed any order to substitute the deceased party in the present revision.

6. This Court finds on perusal of the entire order sheet that substitution petition was on record but no order was passed on such petition. Therefore, technically, the impugned order is one which has been passed against a dead person. The parties have raised several other factual aspects in support of their respective contentions but in view of the order proposed to be passed, this Court does not deem it necessary to enter into the factual controversy. The writ application is allowed. The impugned order is set aside.

7. The matter is remitted to the Revisional Court to decide the revision afresh after granting opportunity of hearing to all concerned including passing orders, firstly on restoration and secondly, on the substitution petition, if necessary. It goes without saying that parties are at liberty to raise all questions of law and facts as may be available to them.

(Sashikanta Mishra)
Judge

Signature Not Verified
Digitally Signed
Signed by: AJAYA KUMAR RANA
Designation: P.A.
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Nov-2026 11:03:35

A.K. Rana