
(2023) 04 OHC CK 0198
In the Orissa High Court
Case No : Writ Petition (C) No.3405 Of 2014

Bharati Adhikary

APPELLANT

Vs

Addl. District Magistrate, Khurda

RESPONDENT

Date of Decision : 20-04-2023

Acts Referred:

Orissa Government Land Settlement Act 1962 — Section 7A(3)

Citation : (2023) 04 OHC CK 0198

Hon'ble Judges : Dr B.R. Sarangi, J;M.S.Raman, J

Bench : Division Bench

Advocate : S. Pattanaik, P.K. Muduli

Final Decision : Disposed Of

Judgement

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. The petitioner has filed this writ petition challenging the order dated 30.06.1998 passed in Revision Case No.556 of 1998, by which the Additional District Magistrate, Khurda has set aside the order dated 20.03.1975 passed by the Tahasildar, Bhubaneswar in W.L. Case No.580 of 1975 settling an area of Ac.1.500 out of sabik plot no.93 of village Madhupur in favour of the petitioner on the ground that the lease granted in favour of the petitioner suffers from legal infirmity and material irregularity of procedure and directed the Tahasildar, Bhubaneswar to correct the records, take back possession of lease land and to ensure its induction in appropriate Govt. khata.
4. As it appears, the Tahasildar, Bhubaneswar has passed the order on 20.03.1975 in W.L. Case No.580 of 1975, but the suomotu Revision Case No.556 of 1998 was instituted after 22 years. As per the provisions contained in Section-7A(3) of the O.G.L.S Act, the revision case cannot be considered after 14 years. Therefore, the case of the petitioner is squarely covered by the ratio decided by this Court in Gopal Das Agarwal v. State of Orissa & Ors., 2005(100)

CLT 661.

5. Mr. P.K. Muduli, learned Additional Government Advocate appearing for the opposite party contended that the case of the petitioner is covered by the judgment of this Court in Purna Ch. Pradhan v. State of Orissa & Ors., 2006(I) OLR 184 and Smt. Elley Pattnaik v. State of Orissa, 2012(Supp.-II) OLR 506.

6. In view of the above, this Court disposes of this writ petition in terms of the judgment of this Court in Gopal Das Agarwal, Purna Ch. Pradhan & Smt. Elley Pattnaik (supra). Since the initiation of Revision Case No.556 of 1998 is without jurisdiction and after a long lapse of 14 years, the order dated 30.06.1998 passed by the Additional District Magistrate, Khurda cannot be sustained in the eye of law. Accordingly, the same is liable to be quashed and is hereby quashed.

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