
(2023) 03 OHC CK 0012
In the Orissa High Court
Case No : RVWPET No.32 of 2023

Biswakalyani Nanda

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 01-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0012

Hon'ble Judges : Arindam Sinha, J;S. K. Mishra, J

Bench : Division Bench

Advocate : B. Tripathy, L. Samantaray, R. K. Rout

Final Decision : Disposed Of

Judgement

1. Mr. Tripathy, learned advocate appears on behalf of review applicant. He reiterates that there is error apparent on face of order dated 4th January, 2023, by which the writ petition was disposed of. He submits, there is extract from order dated 26th March, 2019 revealing that the order is not related to subject matter of the writ petition.

2. Mr. Rout, learned advocate appears on behalf of writ petitioners. He submits, the writ petition was dealt with upon hearing review applicant, who was private opposite party no.6. His clients were misled and thereby deprived opportunity to defend the orders of resumption. The review application be dismissed.

3. Mr. Samantaray, learned advocate, Additional Government Advocate appears on behalf of State.

4. Order dated 26th March, 2019, extracted in our order dated 4th January, 2023, review of which is sought, was made by the single Judge on impression given that Resumption Case no.1 of 2006 had been initiated by the Collector, Cuttack under Escheat Act for resumption of the land. However, we found and demonstrated by our said order dated 4th January, 2023 that by order dated 6th March, 2020 there was record made that Resumption Misc. Case no.1 of 2016

had already been disposed of on orders dated 23rd July, 2016 and 15th February, 2018, both dates being prior to order dated 26th March, 2019. In the circumstances, we being convinced that petitioners had not been heard in support of their case for resumption, we set aside and quashed impugned order dated 6th March, 2020. Effect is that the appeal was restored to the Revenue Divisional Commissioner. All we say here is that no ground has been made out for review but review applicant is at liberty to urge his grievance in the restored appeal. Mr. Tripathy submits, there be direction upon the appellate authority to expeditiously deal with the appeal. His submission stand recorded.

5. The review application is disposed of..

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