
(2025) 05 OHC CK 1207
In the Orissa High Court
Case No : Writ Petition (C) No. 3398 Of 2025

Gitanjali Malla @ Parida

APPELLANT

Vs

Member Board Of Revenue, Odisha, Cuttack And Others Vs

RESPONDENT

Date of Decision : 14-05-2025

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2025) 05 OHC CK 1207

Hon'ble Judges : Ananda Chandra Behera, J

Bench : Single Bench

Advocate : D. Mohanty, S. Nayak

Final Decision : Disposed Of

Judgement

Ananda Chandra Behera, J

1. This writ petition under Articles 226 & 227 of the Constitution of India, 1950 has been filed by the Petitioner praying for quashing the final Order dated 18.10.2024 passed in OSS Case No.1180 of 2023 by the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar under Annexure-9 on the ground that, during the pendency of the revision before the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar a report was called for from the Forest Department vide Office Memo No.779 dated 11.06.2024 (Annexure-11) for disposal of that revision as the report of the Forest department had some relevancy/bearing/nexus for the disposal of the OSS Case No.1180 of 2023. But before reaching of the report of Forest Department by Letter No.473 dated 18.01.2025 (Annexure-12), that OSS Case No.1180 of 2023 was disposed of by the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar dismissing that OSS Case No.1180 of 2023 of the Petitioner.

2. Heard from the learned counsel for the Petitioner and learned ASC for the State.

3. According to the submission of the learned counsel for the Petitioner, had the report on dated 18.01.2025 vide Annexure-12 been reached before the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar prior to the disposal of the OSS Case No.1180 of 2023 and had the said report vide Annexure-12 on dated 18.01.2025 of the Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar been taken into account that, the impugned order should not have been passed against the Petitioner. For which, the learned counsel for the Petitioner submitted for remitting back the matter vide OSS Case No.1180 of 2023 after setting aside this final order dated 18.10.2024 for hearing the same afresh after taking into account the Letter No.473 dated 18.01.2025 vide Annexure-12 issued by the Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar.

4. The learned ASC for the State submitted that, the Letter No.473 dated 18.01.2025 at Annexure-12 had issued after the disposal of the OSS Case No.1180 of 2023. For which, by the time of reaching that Letter No.473 dated 18.01.2025 before the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar in reference to OSS Case No.1180 of 2023, the said OSS Case No.1180 of 2023 was disposed of.

5. When it is forthcoming from the materials available in the record that, before the final disposal of OSS Case No.1180 of 2023 by the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar, the report from the Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar was called for in reference to the said case and when the OSS Case No.1180 of 2023 was disposed of before receiving the Letter No.473 dated 18.01.2025 vide Annexure-12 and when it is the submission of the learned counsel for the Petitioner that, as there was relevancy/nexus of the report of the Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar in connection with the OSS Case No.1180 of 2023, for which, the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar should not have dismissed the OSS Case No.1180 of 2023 of the Petitioner before reaching of the Letter No.473 dated 18.01.2025 of the Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar before the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar, then at this juncture, the ends of justice shall yet to be served, if the OSS Case No.1180 of 2023 shall be remitted back to the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar for hearing of the same afresh after setting aside the impugned order dated 18.10.2024 passed in the said OSS Case No.1180 of 2023 after taking into account the Letter No.473 dated 18.01.2025 vide Annexure-12 issued by the Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar addressing to the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar.

6. Therefore, there is some merit in the writ petition of the Petitioner. The same is to be allowed in part.

7. In result the Writ Petition filed by the Petitioner is allowed in part.

The impugned Order dated 18.10.2024 passed in OSS Case No.1180 of 2023 by the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar is set aside. The matter vide OSS Case No.1180 of 2023 is remitted back to the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar for hearing afresh after giving opportunity of being heard to the parties thereof taking into account to the Letter No.473 dated 18.01.2025 issued by the Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar as expeditiously as possible within a period of three months from the date of communication of this order to the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar.

8. It is made clear here that, no opinion has been expressed in this judgment regarding the merit of the case and while disposing of the OSS Case No.1180 of 2023 by the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar, he shall not be influenced in any manner by the order passed as well as without being influenced in any manner by the previous order, which has been set aside today through this judgment.

9. Registry is directed to communicate this order to the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar immediately.

10. Accordingly, the Writ Petition is disposed of finally.