
(2021) 09 OHC CK 0049
In the Orissa High Court
Case No : O.J.C. NO. 4516 Of 1997

Krushna Chandra Senapati And Another	APPELLANT
Vs	
Commissioner, Consolidation, Odisha, Bhubaneswar And Others	RESPONDENT

Date of Decision : 13-09-2021

Acts Referred:

Citation : (2021) 09 OHC CK 0049

Hon'ble Judges : K.R. Mohapatra, J

Bench : Single Bench

Advocate : Biraja Prasanna Satapathy, Dillip Kumar Mishra

Final Decision : Disposed Of

Judgement

K.R. Mohapatra, J

1. This matter is taken up through hybrid mode.
2. This writ petition was filed for a direction to the Commissioner, Consolidation, Odisha, Bhubaneswar-Opposite Party No.1 to dispose of RP Case No.144 of 1996 along with Misc. Case No.27 of 1996 within a stipulated period.
3. During pendency of the writ petition, a settlement was arrived at between the parties and Misc. Case No.1660 of 2003 was filed before this Court to amend the writ petition and to dispose of the Consolidation Revision No.144 of 1996 for issuance of direction to modify the order dated 3rd December, 1997 passed by the Joint Commissioner, Settlement and Consolidation, Bhubaneswar in Consolidation Revision Case No.144 of 1996 on the terms of the said compromise. Another Misc. Case No.6120 of 1998 was filed before this Court for a direction to consolidation authorities to allot chaka and to issue the ROR on the basis of the compromise between the Petitioner and Opposite Party No.5. Taking into consideration the submissions made by learned counsel for the parties this Court vide order dated 4th September, 2003 passed in Misc. Case No.6120 of 1998 disposed of the said Misc. Case with the following direction.

"This is an application for a direction to the Consolidation authorities to allot chaka and the subsequent R.O.R. on the basis of the compromise between the petitioner and opp. party no.5 in Annexure-7 to the writ petition.

2. By Order dated 3.12.1997 passed by the Joint Commissioner, Settlement and Consolidation, Bhubaneswar in Con. Revision Case no.144 of 1996 the revision filed by the petitioner has been disposed of and it was held therein that Kuna Dibya had half interest over the properties left by Bhagirathi Senapati and after the death of Kuna Dibya her half share devolved upon the petitioner and opp. parties equally and hence the opp. party no.5 is entitled to 4 annas share. Now the petitioner and opp. party no.5 have arrived at a compromise in a deed of compromise dated 28.4.1998, copy of which has been annexed to the misc. case petition. We dispose of misc. case by modifying the said order dated 3.12.1997 of the Joint Commissioner, Settlement and Consolidation Bhubaneswar in Con. Revision Case no.144 of 1996 and direct that the Consolidation authorities will allot chaka and the R.O.Rs will be issued on the basis of the deed of compromise dated 28. 4.1998.

The misc. case stands disposed of.

The certified copy of this order and copy of the misc. case petition in Misc. Case no.6120 of 1998 and annexures thereto will be filed before the Consolidation authorities."

In view of the above, nothing remains to be adjudicated in this writ petition. Learned counsel for the Petitioners and Opposite Parties also submit that the writ petition may be disposed of in terms of the direction made in Misc. Case No.6120 of 1998.

4. Accordingly, the writ petition is disposed of in terms of order dated 4th September, 1998 passed in Misc. Case No.6120 of 1998 as quoted above.

.....