
(2022) 11 OHC CK 0140
In the Orissa High Court
Case No : Writ Petition (C) No. 30308 Of 2022

Manas Kumar Behera

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 17-11-2022

Acts Referred:

Citation : (2022) 11 OHC CK 0140

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : A. P. Bose, Y.S.P. Babu

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Bose, learned advocate appears on behalf of petitioner and submits, private opposite party no.3 obtained income certificate by misrepresenting before the Revenue Officer. His client filed objection to point out erroneous basis of the certificate but the Revenue Officer did not entertain the same saying, his client may challenge issuance of the certificate by appeal.

2. He relies on rules 7 to 9 in Odisha Miscellaneous Certificate Rules, 2019 to submit, by the application error in basis of the income certificate, saying private opposite parties have annual income of Rs.63,000/-, was pointed out. There be direction for the Revenue Officer to entertain the application.

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

4. Misrepresentation regarding annual income of applicant/recipient of the legal heir certificate (opposite party no.3) cannot be said to be a clerical error. Rule 8 says if any certificate is granted wrongly for any reason other than any wrong declaration, the Revenue Officer will do as provided. So far as withdrawal of benefit under rule 9 is concerned, that has no bearing on the case at hand.

5. In view aforesaid petitioner may assail issuance of the certificate to opposite party no.3 in appeal since, the certificate was issued by the Revenue Officer. Time taken in filing, pursuing the objection and this writ petition be excluded in computing limitation on filing the appeal.

6. The writ petition is disposed of.

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