

(2023) 04 OHC CK 0099

In the Orissa High Court

Case No : Writ Petition (C) No. 9689 Of 2023

Manoj Kumar Patra

APPELLANT

Vs

Commissioner Consolidation & Settlement, Odisha,
Bhubaneswar And Others

RESPONDENT

Date of Decision : 10-04-2023

Acts Referred:

Orissa Survey and Settlement Act, 1958 — Section 15(b)

Citation : (2023) 04 OHC CK 0099

Hon'ble Judges : Biswanath Rath, J

Bench : Single Bench

Advocate : G.Dash, S.Ghose

Final Decision : Dismissed

Judgement

Biswanath Rath, J

1. Heard learned counsel for the Parties.

2. This Writ Petition involves challenge to an order of the Competent Authority involving R.P. Case No. 1569 of 2015. Even though an attempt is made to get a trace satisfying the right with the Petitioner to pursue remedy, on the asking of the Court, Petitioner attempted to refer to the disclosure in the 15(b) application. Reading the plea of the Petitioner in the 15(b) application, this Court finds, following clear plea taken by the Petitioner therein:-

"The petitioner has submitted Hal Certified copy Khata No. 110 which stood record in favour of Grama Mahajan Kotha, C/o Narayan Mishra, S/o Dayanidhi Mishra by caste Brahmin, Village-Mandhatapur for Plot No. 368 Ac 0.50 dec. Plot No. 370 Ac. 3.010 dec.

Again the petitioner has submitted sabak Khata No. 60 which stood in favour of the Narayan Mishra S/o Dayanidhi Mishra by caste Brahmin, for total area 3 plots Ac. 8.038 dec. It is attaching case record."

3. While reading thorough the above Mr. Dash, learned counsel for the Petitioner attempted to submit that here the Petitioner appears to be a purchaser from the vendor, who is the grandchild of Narayan Mishra. The aforesaid plea of the Petitioner taken note herein above has a clear disclosure the property belongs to Grama Mahajan Kotha. On the asking of Court to show right with the grandchild of Narayan Mishra with the property of Grama Mahajan Kotha, there is no material available.

4. In the circumstance, this Court finds, there is serious doubt in the ownership with the grandchild of the Narayan Mishra in the sale of the property. This Court therefore finds, there is no case made out to involve the Petitioner in the proceeding under Section 15(b) of the O.S.S. Act. Dismissal of this Writ Petition shall however not stand on the way of the Petitioner to pursue remedies under common law forum, if any.

.....