

(2025) 12 OHC CK 1858
In the Orissa High Court
Case No : Writ Petition (C) No. 29585 Of 2024

Panchanan Patro	Vs	APPELLANT
State Of Odisha And Others		RESPONDENT

Date of Decision : 05-12-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
Orissa Survey And Settlement Act, 1958 — Section 22(2)

Citation : (2025) 12 OHC CK 1858

Hon'ble Judges : A.C.Behera, J

Bench : Single Bench

Advocate : B. Behera, S. Nayak,

Final Decision : Allowed

Judgement

A.C. Behera, J

1. This writ petition has been filed by the petitioner under Articles 226 and 227 of the Constitution of India, 1950 praying for directing the appellate authority under Section 22(2) of the Orissa Survey and Settlement Act, 1958 to accept the appeal, if filed by the petitioner, because, the appellate authority did not receive/accept his appeal memo.

2. Heard from the learned counsel for the petitioner and learned Additional Standing Counsel for the State.

3. Learned counsels of both the sides submitted that, the case land is situated in Mouza-Sampur in respect of which, the settlement operation is going on.

As per Section 22(2) of the Orissa Survey and Settlement Act, 1958, an order passed by the Assistant Settlement Officer like the impugned order can be challenged by filing an appeal before the Settlement Officer.

4. When, the statutory appellate authority under Section 22(2) of the OSS Act, 1958 refused to receive/accept the appeal memo of the petitioner, then at this

juncture, there is no impediment under law to direct the Settlement Officer to receive the appeal memo under Section 22(2) of the OSS Act, 1958, if filed by the petitioner challenging the order passed by the Assistant Settlement Officer. Because, it is his duty to accept/receive an appeal memo under Section 22(2) of the OSS Act, 1958, if filed before him and he cannot refuse to receive/accept the same.

On this aspect, the propositions of law has already been clarified in the ratio of the following decision:-

In a case between Sunil Kumar Yadav vrs. District Magistrate, Lucknow and others : reported in 2025(3) Civil Court Cases-159 (Allahabad) that,

whenever an application or appeal is filed by any party before any authority or court, then it is the duty of such court or authority to register the same and after registration, the authority shall proceed with the same for its disposal as per law.

5. When propositions of law has already been clarified in the ratio of the above decision that, the statutory appellate authority cannot refuse to receive/accept an appeal memo, if filed by an aggrieved party and to dispose of the same as per law, then at this juncture, there is no justification under law to disallow the writ petition filed by the petitioner.

6. Therefore, this writ petition filed by the petitioner is to be allowed.

In result, the writ petition filed by the petitioner is allowed.

The Settlement Officer, Jobra at Cuttack is directed to receive the appeal memo under Section 22(2) of the OSS Act, 1958, if filed by the petitioner annexing the certified copy of this judgment and to register the same as an appeal and then to dispose of that appeal as per law as expeditiously as possible after giving opportunity of being heard to the parties in full compliance to the principles of natural justice.

7. As such, this writ petition filed by the petitioner is disposed of finally.