

(2025) 06 OHC CK 0943
In the Orissa High Court
Case No : Writ Petition (C) No. 30396 Of 2024

Pranima Giri

APPELLANT

Vs

Jagadish Behera & Others Vs

RESPONDENT

Date of Decision : 23-06-2025

Acts Referred:

Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 —
Section 37(1), 41

Citation : (2025) 06 OHC CK 0943

Hon'ble Judges : Ananda Chandra Behera, J

Bench : Single Bench

Advocate : D.P.Mohanty, T.Kumar

Final Decision : Disposed Of

Judgement

Ananda Chandra Behera, J

1. The learned counsel for the Petitioner and the learned Additional Standing Counsel for the O.P. Nos.4 and 5 are present. But, none appears on behalf of the O.P. Nos.1 to 3.

2. It appears from the record that, though the notices against the O.P. Nos.1 to 3 have already been made sufficient, but, still then, none has appeared on their behalf to participate in the hearing of this writ petition.

3. This writ petition has been filed by the Petitioner (who was the Petitioner in Consolidation Revision Case No.110 of 2022) challenging the order of dismissal of her Consolidation Revision Case No.110 of 2022 passed on dated 24.05.2024 by the Addl. Commissioner, Settlement and Consolidation, Balasore (O.P. No.5).

4. Heard from the learned counsel for the Petitioner and the learned ASC for the O.P. No.4 and 5.

5. The factual backgrounds of the writ petition, which prompted the Petitioner for filing of the same is that, Consolidation Plot No.678 under consolidation Khata

No.38, Chaka No.358 A.3.80 decimals in Mouza Berhampur under Basta Tahasil in the District of Balasore has been recorded in the name of the Petitioner and the Petitioner is in possession over that A.3.80 decimals of Plot No.678 according to the area indicated in the R.o.R., but, the map area of that Plot No.678 is not in conformity with the area indicated in the R.o.R., because, on measurement to the map area of Plot No.678, it is found that, there is shortage of A.0.20 decimals, which comes to A.3.60 decimals and the said shortage A.0.20 decimals areas only in the map of Plot No.678 have been erroneously mixed with the map areas of its adjacent plot of the O.P. Nos.1 to 3, though, in fact, the possession of the Petitioner in the spot/field over Plot No.678 is in conformity with the area of that plot indicated in the R.o.R.. As such, there is shortage of A.0.20 decimals area of Plot No.678 only in the map, but, there is no shortage of any physical possession of that plot in the field by the Petitioner.

6. So, in order to avoid future complications, the Petitioner approached the Revisional Authority after completion of the consolidation operation i.e. after notification under Section 41 of the O.C.H. and P.F.L. Act, 1972 by filing the Revision Case No.110 of 2022 before the O.P. No.5 under Section 37(1) of the O.C.H. and P.F.L. Act praying for correction of the map area of Plot No.678 from A.3.60 decimals to A.3.80 decimals in order to make the map areas of Plot No.678 correct in conformity with the area indicated in the R.o.R. of that plot. To which, the learned Addl. Commissioner, Settlement and Consolidation, Balasore (O.P. No.5) rejected as per the impugned order dated 24.05.2024 in consolidation Revision Case No.110 of 2022 assigning the reason that,

“the Revisional Authority i.e. O.P. No.5 has no jurisdiction to entertain the revision, as the mutation has already been effected in respect of the plots of the Opposite Party Nos.1 to 3”.

7. It is the settled propositions of law that,

even after, completion of the consolidation operation through notification under Section 41 of the O.C.H and P.F.L. Act, 1972 the jurisdiction of the Consolidation Commissioner under Section 37 (1) of the said Act is not bar for entertaining a revision for correction of the map area of any plot for making the same correct in conformity with the area indicated in the R.o.R of the plot.

For which, the observations made by the O.P. No.5 in the impugned order for the dismissal of the consolidation Revision Case No.110 of 2022 of the Petitioner that, the O.P. No.5 had no jurisdiction to entertain the revision on the ground of the mutation of the Plots of the Opposite Party Nos.1 to 3 cannot be sustainable under law.

8. Therefore, there is justification under law for making interference with the impugned order passed by the O.P. No.5 in Consolidation Revision Case No.110 of 2022 through this writ petition filed by the Petitioner.

9. As such, there is merit in the writ petition of the Petitioner. The same must

succeed.

10. In result, the writ petition filed by the Petitioner is allowed on contest.

11. The impugned order dated 24.05.2024 passed in Consolidation Revision Case No.110 of 2022 by the O.P. No.5 is quashed (set aside).

12. The matter vide consolidation Revision Case No.110 of 2022 is remitted back (remanded back) to the learned Addl. Commissioner, Settlement and Consolidation, Balasore (O.P. No.5) to decide and dispose of the same afresh as per law after giving opportunity of being heard to the Parties thereof including the Petitioner on the basis of relay map prepared as per the direction of the O.P. No.5 or otherwise along with other materials, if any, as required under law as expeditiously as possible within a period of three months from the date of communication of this order.

13. Registry is directed to communicate this order immediately to the learned Addl. Commissioner, Settlement and Consolidation, Balasore (O.P. No.5).

14. The Petitioner is directed to appear before the learned Addl. Commissioner, Settlement and Consolidation, Balasore (O.P. No.5) on dated 07.07.2025 in Consolidation Revision Case No.110 of 2022 in order to receive the direction of the O.P. No.5 as to further proceedings of the consolidation Revision Case No.110 of 2022.

15. Accordingly, the writ petition is disposed of finally.

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