

(2022) 04 OHC CK 0065

In the Orissa High Court

Case No : Writ Petition (C) No. 8655 Of 2022

Pratap Chandra Jena

APPELLANT

Vs

State Of Odisha And Another

RESPONDENT

Date of Decision : 11-04-2022

Acts Referred:

Odisha Survey and Settlement Act, 1958 — Section 32

Citation : (2022) 04 OHC CK 0065

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

Bench : Single Bench

Advocate : Ashok Kumar Sarangi, Swayambhu Mishra

Final Decision : Dismissed

Judgement

K.R. Mohapatra, J

- 1.This matter is taken up through hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 19th December, 2017 (Annexure-1) passed by the Sub-Collector, Khordha in Mutation Appeal No.30 of 2017.
3. It is submitted by Mr. Sarangi, learned counsel that the Petitioner was not provided with an opportunity of hearing although he was impleaded as Respondent No.1 in the appeal. Hence, he prays for setting aside of the said order and remit the matter back to Sub-Collector, Khordha for fresh adjudication of Mutation Appeal No.30 of 2017 giving opportunity of hearing to the parties concerned.
4. Mr. Mishra, learned ASC submits that as it appears from case record, the Sub-Collector, Khordha has taken into consideration the judgment dated 7th October, 2016 passed in RFA No.2 of 2016 (arising out of CS No.45 of 2014) by learned 1st Additional District Judge, Khordha, has allowed the mutation appeal filed by Opposite Party Nos.4 to 6. The Petitioner has remedy of revision under Section

32 of the Odisha Survey and Settlement Act, 1958 to assail the said order. In that view of the matter, the writ petition is not maintainable.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that since the Petitioner has efficacious statutory remedy either to recall the order or to prefer a revision assailing the order dated 19th December, 2017 under Annexure-1, this Court is not inclined to entertain the writ petition.

6. Accordingly, the writ petition stands dismissed.

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