

(2023) 04 OHC CK 0029
In the Orissa High Court
Case No : Writ Appeal No. 215 Of 2023

Sk. Abdul Jafar Ray

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 04-04-2023

Acts Referred:

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

Citation : (2023) 04 OHC CK 0029

Hon'ble Judges : Dr. S. Muralidhar, CJ;G. Satapathy, J

Bench : Division Bench

Advocate : Anjan Kumar Biswal, Debakanta Mohanty

Final Decision : Disposed Of

Judgement

1. The Revenue Divisional Commissioner (Central Division, Cuttack) [RDC], by the impugned order dated 25th November 2021, dismissed the Appellant's Revision Petition No. 74 of 2018 under Section 15(b) of the Orissa Survey and Settlement Act, 1958 (OSS Act) seeking a direction to the Tahasildar, Baripada to correct the Record of Rights (RoR) in respect of the suit land and record the Appellant's name on the basis of a registered sale deed (RSD) in his favour. The RDC rejected the Appellant's prayer on the ground that "the flow of right title interest from Sabik RT to the claimants was not well justified as the petitioner could not explain how the vendor Parasmani Patnaik got the power of attorney from the son of the Sabak RT." It was further observed that the land scheduled did not conform to the description in the RSD.

2. Counsel for the Appellant submits that the Appellant has in his possession sufficient documents not only to establish the flow of right, title and interest, but also to show that the schedule mentioned in the RSD deed is consistent with the description in the application made for correction of the RoR.

3. Mr. D.K. Mohanty, learned AGS submits that if the Appellant does possess such documents, then he should file a recall petition before the RDC.

4. In view of the aforesaid submission, this Court sets aside the impugned order of the learned Single Judge and permits the Appellant to approach the RDC with an application for recall of the RDC's order dated 25th November, 2021 in RP No. 74 of 2018. If such application is filed not later than 1st May, 2023, then it would be considered in accordance with law by the RDC and after hearing the Appellant, a fresh order shall be passed thereon within a period of two months thereafter. No further directions are called for at this stage.

5. The writ appeal is disposed of in the above terms. Issue urgent certified copy of this order as per rules.

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