

W.P.(C) No.12093 of 2014

24.12.2015

Heard Mr.S.K.Mishra, learned counsel for the petitioner and Mr.Mishra, learned Additional Government Advocate for the State.

The grievance of the petitioner is that in the mutation application land was mutated in favour of the petitioner, whereafter patta has been issued. But then the Sub-Collector, Malkanagiri-opposite party no.4 has reviewed the order vide Annexure-4.

Learned counsel for the petitioner submits that the Sub-Collector, Malkanagiri has no power of review.

Rule 43 of the Orissa Survey and Settlement Rules, 1962 provides for review of the order. On a conspectus of the said rule, it is evident that the Sub-Collector has no jurisdiction to review the order passed by the Tahasildar.

This Court finds ample force on the submission of the learned counsel for the petitioner. If any illegality has been committed by the Tahasildar in issuing patta, then the Collector may, on his own motion or otherwise, call for the records and examine the same under Rules 42-A of the Orissa Survey and Settlement Rules, 1962.

The petition is disposed of.

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Dr. A.K.Rath, J.