



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.21539 of 2017

Umakanta Patnaik

.....

Petitioner

Mr. B.N. Tripathy, Advocate

-versus-

***Addl. Commissioner of
Settlement And Consolidation,
Berhampur & Ors.***

.....

Opposite Parties

Mr. M.K. Balabantaray, AGA

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

30.09.2024

Order No.05

1. This matter is taken up through hybrid mode.
2. Heard Mr. B.N. Tripathy, learned counsel appearing for the Petitioner and Mr. M.K. Balabantaray, learned Addl. Govt. Advocate appearing for the Opp. Parties.
3. The present writ petition has been filed inter alia challenging order dtd.21.12.2016 so passed by the Addl. Commissioner, Settlement & Consolidation, Berhampur-Opp. Party No. 1 in SRP No. 21 of 2014 under Annexure-6. The said application was filed purportedly under Sec. 15(b) of the Orissa Survey & Settlement Act, 1958, seeking correction of the ROR so published in the name of the Govt.
4. Learned counsel for the Petitioner contended that even though the land in question was settled by the OEA Authority and it was sent for confirmation to the Board of Revenue vide letter dtd.26.02.1973 under Annexure-5, but on the face of such communication, the land since was recorded in the name of the Govt., the Revision was filed seeking correction of the ROR. But the Revisional Authority without proper appreciation of the order



passed by the OEA Authority rejected the revision vide the impugned order. It is accordingly contended that the impugned order is not sustainable in the eye of law.

5. Learned Addl. Govt. Advocate on instruction on the other hand contended that since the order passed by the OEA Authority as found from Annexure-5 has only been sent to the Board of Revenue for confirmation and there is no document available in the case record showing such confirmation being made by the Board of Revenue, in absence of the same, the Revisional Authority has rightly rejected the claim of the Petitioner to correct the ROR which has been rightly recorded in the name of the Govt.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that even though as contended, OEA Authority passed an order in favour of the Petitioner, but the same was forwarded to the Board of Revenue for confirmation vide letter dtd.26.02.1973 under Annexure-5. No document was placed either before the Revisional Court or before this Court, showing that such confirmation has been made by the Board of Revenue.

6.1. Therefore, in absence of any confirmation to the order passed by the OEA Authority, this Court finds no illegality and irregularity with the impugned order dtd.21.12.2016 so passed in SRP No. 21 of 2014. While not inclined to interfere with the same, this Court grants liberty to the Petitioner to raise his grievance with regard to confirmation of the order passed by OEA Authority, if any.

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With the aforesaid liberty, the writ petition is disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha