



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 4839 OF 2025**

***Srinath Bhanja***

....

***Petitioner***

Mr. Kailash Chandra Sahoo, Advocate

*-versus-*

***State of Odisha and others***

....

***Opp. Parties***

Mr. Bibekananda Nayak,

Additional Government Advocate

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**JUSTICE SANJAY KUMAR MISHRA**

**ORDER**

**27.02.2026**

**Order No.**

2.
  1. This matter is taken up through hybrid mode.
  2. The Petitioner in this writ petition prays for a direction to the Settlement Officer, Major Settlement, Jobra, Cuttack- Opposite Party No.3 to re-consider Appeal Case No.167 of 2023, which was dropped due to non-prosecution by recalling the order dated 22<sup>nd</sup> November, 2023 passed in the said appeal.
  3. Upon hearing learned counsel for the Petitioner and on perusal of the record, it appears that the Petitioner filed an appeal under Section 22(2) of the Odisha Survey and Settlement Act, 1958 assailing the order passed by the Assistant Settlement Officer. The land in question situates in mouza Sampur in respect of which final RoR has not yet been published.
  - 3.1 From the order dated 22<sup>nd</sup> November, 2023, it appears that on the strength of a petition filed by the Petitioner to withdraw the case, Appeal Case No.167 of 2023 was dropped as



withdrawn by the Appellant (Petitioner herein). It further appears that no such averment has been made in the writ petition. However, this Court on perusal of the record, vide order dated 25<sup>th</sup> February, 2025, directed learned counsel for the Petitioner to place on record the certified copy of the withdrawal petition.

4. On being asked, Mr. Sahoo, learned counsel for the Petitioner gives prevaricating statements for not complying with the order dated 25<sup>th</sup> February, 2025.

5. Since the correctness of the recording of facts cannot be adjudicated by this Court in absence of any record and the Petitioner has an alternative remedy to seek recall of the order dated 22<sup>nd</sup> November, 2023 passed by the Settlement Officer, Major Settlement, Jobra, Cuttack-Opposite Party No.3 in Appeal Case No.167 of 2023 by filing an appropriate application before the said Authority, we are not inclined to entertain the writ petition.

6. Accordingly, this Court, without delving into the merit of the submission made by learned counsel for the Petitioner, disposes of the writ petition with the aforesaid observation.

Urgent certified copy of this order be granted on proper application.

***(K.R. Mohapatra)***  
***Judge***

***(S.K. Mishra)***  
***Judge***