



A.F.R.

ORISSA HIGH COURT : CUTTACK

WP(C) No.19903 of 2022

An application under Articles 226 & 227 of the Constitution of
India.

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Digambar Behera (dead) and others **Petitioners**

-VERSUS-

Harichandan Behera (dead) & others ... **Opposite Parties**

Counsel appeared for the parties:

For the Petitioners : Mr.A.N.Routray, Advocate

For the Opposite Parties : Mr.B.Mohapatra, Advocate
(for the O.P. Nos.1 to 7)
Mr.T.Kumar, ASC
(For the O.P. Nos.7 and 8)

P R E S E N T:

**HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA**

Date of Hearing: 11.08.2025 :: Date of Judgment : 11.08.2025



JUDGMENT

ANANDA CHANDRA BEHERA, J.—

1. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the Petitioners praying for quashing the impugned order dated 10.05.2022 (Annexure-4) passed under Section 15(b) of the OSS Act, 1958 by the Member, Board of Revenue, Odisha, Cuttack (O.P.No.8).

2. Heard from the learned counsel for the Petitioners, the learned counsel for the O.P. Nos.1 to 7 and the learned ASC for the O.P. Nos.8 and 9.

3. During the course of hearing, the learned counsel for the Petitioners submitted that, the case land vide Hal Plot No.897 corresponds to Sabik Plot No.726/1639 under Sabik Khata No.345. The Hal R.o.R. of the case land has been prepared erroneously in the name of the O.P. Nos.1 to 7, though, the same corresponds to Sabik Khata No.345 and the Sabik Khata No.345 was recorded in the name of the predecessor of the Petitioners. For which, they (petitioners) are the owners of the case land. The O.P. Nos.1 to 7 are not the owners of the same. The learned



counsel for the Petitioners also fairly submitted that, the Hal Plot No.897 under Hal Khata No.1013, Ac.0.144 decimals (which is not the case land) has been recorded erroneously in the name of the Petitioners. The said Hal Plot No.897 corresponds to Sabik Plot No.1638, which was recorded in the Sabik Settlement in the name of the predecessor of the O.P. Nos.1 to 7. So, in fact, the O.P. Nos.1 to 7 are the owners of Hal Plot No.897, which has been erroneously recorded in the name of the Petitioners.

So, according to the learned counsel for the Petitioners, during settlement operation, the R.o.R of the case land has been erroneously prepared in favour of the O.P. Nos.1 to 7 and the land of the O.P. Nos.1 to 7 i.e. Plot No.897 has been erroneously recorded in the name of the Petitioners. Therefore, the Petitioners are the owners of the case land vide Hal Plot No.897, Ac.0.144 decimals, whereas, the O.P. Nos.1 to 7 are the owners of Hal Plot No.890 Ac.0.141 decimals.

To which, the learned counsel for the O.P. Nos.1 to 7 objected contending that, Hal Plot No.890 and Hal Plot No.897 were purchased by the predecessor of the Parties from one common vendor and during the course of delivery of possession



of their respective purchased properties involving the case land and Plot No.890, the possession thereof was delivered alternating the places indicated in their respective sale deeds.

4. According to the above rival contentions of the learned counsels of both the sides, the real matters in dispute between the parties involves two plots i.e. Hal Plot Nos.897 and Hal Plot No.890. Therefore, a thorough adjudication is required taking into account to the corresponding documents relating to Hal Plot Nos.897 and 890 and unless the records of the above two plots are taken into account, the controversies/disputes between the Parties cannot be finally adjudicated for all times to come.

5. The learned counsel for the O.P. Nos. 1 to 7 also submitted that, they have already constructed their residential houses over the case land vide Plot No.897 and they are residing in the same with their family members.

To which, the learned counsel for the Petitioners seriously disputed/denied contending that, the O.P. Nos.1 to 7 in their written argument before the O.P. No.8 has illegally stated that, the Petitioners are the trespasser of the case land.



6. When, it came out from the submissions of the learned counsels of both the sides that, the matters in dispute between the parties relates to two Plots vide Hal Plot No.897 and Hal Plot No.890, then at this juncture, the corresponding documents of the above both plots are required to be considered.

7. As per the discussions and observations made above, when it is held that, for adjudication of the real controversies/disputes between the Parties, both the Hal Plots vide Plot Nos.897 and 890 are required to involved in the lis between the Parties and the corresponding documents of the above both the Plots are required to be considered and when the impugned order as per Annexure-4 has been passed only in respect of one Plot vide Hal Plot No.897, then at this juncture, the impugned order vide Annexure-4 passed by the Member, Board of Revenue, Odisha, Cuttack (O.P.No.8) cannot be sustainable under law. Therefore, the impugned order vide Annexure-4 is liable to be quashed.

8. Hence, the writ petition filed by the Petitioners is allowed.

9. The impugned order dated 10.05.2022 vide Annexure-4 passed by the Member, Board of Revenue, Odisha, Cuttack (O.P.No.8) under Section 15(b) of the OSS Act, 1958 is quashed



and the said matter vide R.P. Case No.897 of 2015 is remitted back to the O.P. No.8 to decide the same afresh directing the Parties to include/involve Hal Plot No.890 in R.P. Case No.897 of 2015 with Hal Plot No.897 for proper adjudication of the said R.P. Case No.897 of 2015 between the Parties as per law after giving opportunity of being heard to the Parties as expeditiously as possible.

10. The Parties are directed to appear before the Member, Board of Revenue, Odisha, Cuttack (O.P.No.8) on dated 29.08.2025 for the purpose of receiving the directions of the O.P. No.8 as to further proceeding of the said R.P. Case No.897 of 2015.

11. Accordingly, the writ petition is disposed of finally.

(ANANDA CHANDRA BEHERA)
JUDGE

*High Court of Orissa, Cuttack
11.08.2025// Binayak Sahoo
Jr. Stenographer*