



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23178 of 2023

Sk. Mahamad Alli and others Petitioners

Mr. S. Mishra, Advocate

-Versus-

State of Odisha and others Opposite Parties

Mr. P.K. Ray, AGA

Mr. S.S. Nayak, Advocate for O.P. Nos.5 to 8

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

17.12.2024

Order
No.
09.

1. Heard Mr. Mishra, learned counsel for the petitioners.
2. On behalf of Mr. Nayak, learned counsel for opposite party Nos.5 to 8, an adjournment is sought for on the grounds stated.
3. However, in course of hearing, Mr. Mishra, learned counsel for the petitioners submits that State's reply not necessary for the fact that the impugned order under Annexure-4 is at the instance of the Director, Consolidation in exercise of Section 37(2) of the OCH & PFL Act which is impermissible after closure of consolidation with a notification under Section 41 thereof. A further submission is made that jurisdiction exercised by opposite party No.2 is without authority in view of the decision of this Court **Arjuna Chandra Jena @ Arjuna Jena and others Vrs. Commissioner, Consolidation, Orissa, Cuttack and others 2014 (I) OLR 263**. It is submitted that since RoR is published under Section 22 of the OCH & PFL Act after confirmation by the Director, Consolidation in terms of Section 21(1), he is, therefore, having no jurisdiction to entertain the



revision as per Section 37(2) of the Act and on such ground, the impugned order under Annexure-4 is liable to be set aside.

4. Recording the above submission but considering the request for an adjournment as received on behalf Mr. Nayak, learned counsel for opposite party No.5 to 8, further hearing is adjourned to be listed on 7th January, 2025 for final orders.

5. Interim order passed by this Court shall remain in force till the next date of listing.

(R.K. Pattanaik)
Judge

TUDU

Signature Not Verified

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Signed by: THAKURDAS TUDU
Designation: Sr. Stenographer
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Date: 19-Dec-2024 11:43:20

