



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C).No.33868 of 2025

Khageswar Rout

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Petitioner

Represented by

Mr. T.Panigrahi, Advocate

-Versus -

State of Odisha & Ors

....

Opposite Parties

Represented by

Ms. J.Sahoo, ASC

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.03.2026

Order No.

04.

1. This matter is taken up through hybrid mode.
2. The petitioner filed an appeal under Section 22(2) of the OSS Act against the order passed by the Settlement Officer, Jobra, Cuttack before the Additional Sub-Collector, Bhubaneswar. By order dated 21.07.2025, the Court below held that as the impugned order has already been adjudicated upon by the Court exercising appellate power, another Court cannot exercise the same power. Accordingly, appeal was disallowed.
3. In course of hearing, Mr. Panigrahi, learned counsel for the petitioner draws attention of this Court to the notification dated 21.10.2009 of the Government in R & D Department, whereby all Sub-Collectors of the State were appointed as Additional



Settlement Officers to exercise such powers in their respective subdivisions in the event of a vacancy in the post of Additional Sub-Collector.

4. Ms. Sahoo, learned ASC submits that in the present case, the Settlement Officer and the Additional Sub-Collector (Consolidation and Settlement), Bhubaneswar must be treated as officers having co-equal jurisdiction and therefore, the order passed by one cannot be adjudicated upon by the other.

5. This Court finds considerable force in the aforesaid submission. In such view of the matter, the writ application is disposed of granting liberty to the petitioner to prefer revision against the order by which he is aggrieved. If such revision is preferred within ten days from today, along with an application seeking condonation of delay, the same shall be considered by the revisional Court taking note of the fact that the petitioner, rightly or wrongly had approached this Court since the year 2025 and the matter remained pending till today.

(Sashikanta Mishra)
Judge

Deepak