



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 1295 of 2026

***Amulya Kumar Das
and Anr***

`....

***Petitioners
Represented by
In person***

-Versus -

State of Odisha & Ors

....

***Opposite Parties
Represented by
Mr. S.N.Pattnaik, AGA***

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

18.03.2026

**Order No.
03.**

1. This matter is taken up through hybrid mode.
2. Learned State counsel requests for an adjournment on the ground that though requested, the case record has not yet been received from Board of Revenue. This Court is not inclined to grant further time.
3. This writ application has been filed challenging order dated 28.10.2024 passed by the Additional Commissioner, Additional Revisional Court No. II under Member, Board of Revenue, Bhubaneswar in R.P. Case No. 1374/2014. Said case was filed by the petitioner under Section 15 (b) of the OSS Act. Perusal of the order reveals that the revision was dismissed inter alia with following observations:

“Since this case is more than ten years old and the petitioners have neither submitted the revision petition in the form of an affidavit nor filed the certified copy of the



hal R.O.R. for which revision is prayed for, I am not inclined to proceed further in this case in view of the observations above in a revision case, the petitioners have the onus of proof to substantiate that there are inherent errors in settlement records finally published and the revision is required for rectifying the error.

In the instant case, the petition suffers from the minimum requirements of an affidavit and the copy of finally published R.O.R. The petition is rejected in view of the above.

However, the petitioners are at liberty to file a fresh revision petition attaching a certified copy of finally published R.O.R. either from Settlement Officer or from Tahasil Office for consideration of their prayer expeditiously”

4. As is evident, the case was not heard on merits but was dismissed entirely on technicalities. Mr. Das, the petitioner appearing in person, submits that the observations are not based on record inasmuch as the petitioner has filed an affidavit supporting the averments made in the revision petition as also application for amendment, which should be available on record.

5. This Court would not like to enter into the factual controversy as to whether the petition for amendment was actually filed or not. If the application for amendment is not on record, the petitioner could have been granted opportunity to file the same. As already observed, the case has not been disposed of on merits but purely on technicalities.

6. The writ application is therefore, allowed. The impugned order is set aside. The matter is remitted to the Revisional Court for disposal of the revision afresh on merits after granting proper opportunity of hearing to the petitioner and all other parties. The petitioner shall also be granted opportunity to file all required documents/affidavit/petition, if necessary, but the matter shall be



disposed of on merits. Since the revision was filed in the year 2014, the Revisional Court shall do well to try and dispose of the same, preferably within six weeks from the date of production of certified copy of this order by the petitioner.

7. To cut short the delay, the petitioner is directed to appear before the Revisional Court on 02.04.2026 with certified copy of this order for fixing further date of hearing.

(Sashikanta Mishra)
Judge

Deepak

Signature Not Verified

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Signed by: DEEPAK PARIDA
Reason: Authentication
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