

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.7194/2003

(From the judgement and order dated 9.1.03 in OJC 9280/93
of The HIGH COURT OF ORISSA)

SOURINDRA NARAYAN BHANJA DEOPetitioner (s)

VERSUS

STATE OF ORISSA & ORS

Respondent (s)

(With prayer for interim relief)

Date : 02/05/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. PN Mishra , Sr. Adv.
Mr. Shibashish Mishra, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

The learned counsel for the petitioner contends that the authorities cannot reopen the issues settled long before, under the pretext of exercising powers under Section 59(2) of the Orissa Land Reforms Act, 1960. In our view, since the order under challenge came to be passed on a reference made by the Collector, which enable the Board of Revenue to issue directions for a fresh condition and adjudication of the cases pertaining to matters disposed of earlier too and in this case, the cases relating to these land holders, it is always open to the petitioner to raise all such issues as are permissible in law based on any limitation also in the remand proceedings. It is for such authorities to decide the same as and when raised, objectively. Except clarifying this position and leaving liberties in the matter, we do not see any justification to interfere in the matter at this stage of the proceedings. Accordingly, this special leave petition is dismissed.

(D.L.Chugh) (S. Malkani)
Court Master Asstt. Registrar

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