

SL. No & Date of order	Order and signature of Officer	Note of action taken on order
1	2	3

25-09-18

**IN THE COURT OF REVENUE DIVISIONAL COMMISSIONER,
SOUTHERN DIVISION, ODISHA, BERHAMPUR**

OGLS Case No- 8/18

Pabitra Bag
S/o- Debarchan Bag
At/Po-Boring Padar
PS-Kesinga
Dist-Kalahandi & otherPetitioner

-Vrs-

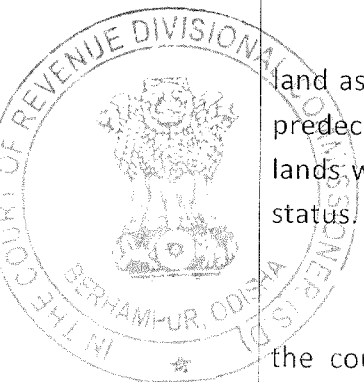
Sanjiv Mediratta
S/o- Late Tilak Raj Mediratta & othersRespondent

ORDER

This is a petition filed by the petitioners (1) Pabitra bag, S/o- Debarchan bag, (2) Satyabrata Das, S/o-late Radhakanta Das U/S- 7-A (3) OGLS Act, 1962 to set aside order dtd. 31.03.2010 of Mutation Appeal No. 1/2010 of Addl. Sub-Collector, Bhabanipatna, order dtd.16.02.2008 of Tahasildar, Kesinga in Mutation Case No.1643/2007 and issue necessary direction to Tahasildar, Kesinga to correct the RORs and record Plot No.189 of Khata No. 135/320, Plot No. 196/706 & 195/707 of Khata No. 135/221, Plot No. 190, 191, 192, 193, 194, 195, 196/711, 289, 290 of Khata No. 135/226 and Plot No. 196 of Khata No. 51 of Kesinga Nazul Mouza of Kesinga Tahasil as Govt. land.

It is contended by the petitioners that the suit property was Nazul land as per Sabik ROR and was never leased out in favour of OP No.7 or his predecessors. It has been further contended by the petitioner that the above lands were wrongly recorded in favour of OP No. 4 to 20 under Nazul Praja status. Hence this petition.

It is revealed from the petition that two mutation cases were filed in the court of Tahasildar, Kesinga vide Case No. 1643/2007 and Case No. 1644/2007 on 30.10.2007 for recording of the above plots in the name of the private respondents which have been finalised on 16.02.2008 with order for recording of the suit lands in favour of the private respondents.

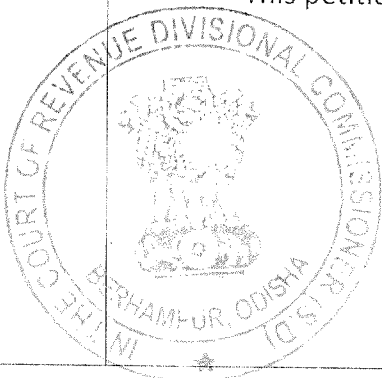


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It is also seen from the plaint as well as certified copy furnished by the petitioners that both the orders passed by the Tahasildar, Kesinga have been challenged through appeal petition in the court of Addl. Sub-Collector, Bhawanipatna Vide Mutation Appeal Case No. 1/10. As per L. No.31261/ R & DM dtd. 22.07.2008 of Govt. in Rev. & D.M. Dept., Addl. Sub-Collector will exercise powers of sub-Collectors in respect of all Revenue Cases on orders of collector. As per section 7 (A) of OGLS Act, 1962, revision lies with the Sub-Collector against orders passed by any subordinate officer under this Act. Hence in this case proper appellate forum has been approached against orders of Tahasildar, Kesinga. In this case the orders of the Court of Addl. Sub Collector, Bhawanipatna overrides orders of the court of Tahasildar, Kesinga. It has been clearly cited in section 7(A) of OGLS Act, 1962 that Revision against any order of Sub-Collector lies with the Collector .It has further been enunciated in Sec 7-A of the above act that revision can be taken up on receipt of application made by the aggrieved person within a period of 90 days from the date of the order, which can be condoned up to 14 years by the Presiding Officer of the Concerned Court. But it is clear from the Plaint filed by the Petitioners that the Orders of Addl. Sub-Collector, Bhawanipatna has not been challenged in the Court of Collector, Kalahandi and the said order has been directly challenged in this court. It has also been mentioned in section 7-A of the above Act that Revision lies with the Revenue Divisional Commissioner against orders of Collector.

Taking into consideration all the above facts, this petition is dropped at the admission stage with direction to the petitioners to approach the proper revisional forum as per provision of the OGLS Act, 1962.

This petition is disposed off accordingly.




Revenue Divisional Commissioner,
Southern Division, Berhampur