

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

OPLC Case No. 4/18

(Order by Sri T. Ao, I.A.S,  
Revenue Divisional commissioner, (SD), Berhampur)

Decided on 01.12.2018

Bharatiya Bidya Niketana ( Gurukula),  
Kalimela, Dist- malkangiri

.....Petitioner

-Vrs

State of Odisha others

.....Respondent

For the Petitioners

..... S.K. Mallick, Advocate

For the Respondents

.....None

Prayer

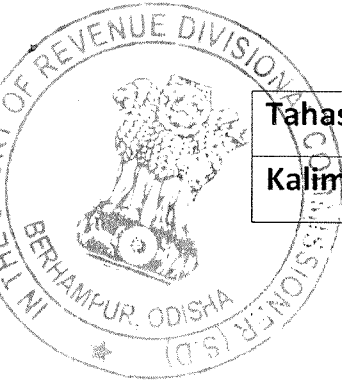
Appeal Petition filed U/s-9 (a) of the Orissa Prevention of Land Encroachment Act, 1972 in E.C. No. 70/2017 for quashing the notice dtd. 27.11.2017 issued by the Tahasildar, Kalimela in above E.C. Case by issue of certiorari with deleting of note of possession of remark column of Hal ROR no. 655, Plot No. 2999.

Land Schedule

Tahasil	Mouza	Khata No	Survey No	Area
Kalimela	Kalimela	657	2999	Ac.0.390dc

Submission

This Bharatiya Bidyaniketan, Kalimela is an educational institution functioning over the suit area of Ac. 0.390dc of Plot No. 2999 in Khata No. 655 of Kalimela mouza of Malkangiri district since the year, 2013 and the



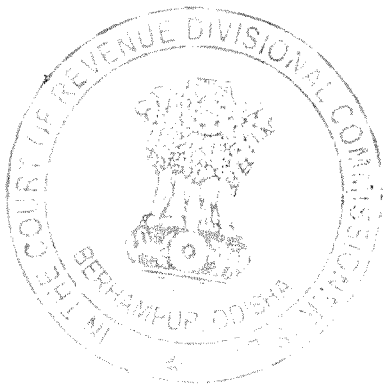
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Institution is paying rent to the Govt. The petitioner applied for settlement of the land in favour of the Institution. But The Tahasildar, Kalimela started E.C. No. 70/17 against the petitioner and issued notice to attend the court on 27.11.2017. The petitioner challenged this notice and prayed to quash the same.

### ORDER

This case was taken up for hearing on point of admission on 01.12.2018. During deliberation, the advocate for the petitioner stood on the contention of the revision petition and prayed to set aside the order of the Tahasildar, Kalimela passed in OPLE Appeal Case No. 70/17. In section 12 of OPLE Act, 1972, the appellate hierarchy has been clearly specified. As per Provision of Section 12 (1)(a) of the said Act, the Sub- Collector, Malkangiri is the next appellate Authority against any order passed by Tahasildar, Kalimela under the Act. As such the appeal is dropped at the admission stage with direction to the Petitioner to approach the proper appellate forum as per the provision of the Act.

This petition is disposed off accordingly.



Revenue Divisional Commissioner,  
Southern Division, Berhampur