

(2025) 11 OHC CK 0036

Orissa HC

Case No: Writ Petition (C) No. 31214 Of 2025

Basanti Pradhan

APPELLANT

Vs

State Of Odisha And
Others

RESPONDENT

Date of Decision: Nov. 14, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226, 227
- Orissa Survey And Settlement Act, 1958-Section 22(2)

Hon'ble Judges: A.C.Behera, J

Bench: Single Bench

Advocate: A. C. Panda, G. Mohanty

Final Decision: Disposed Of

Judgement

A.C. Behera, J

1. This writ petition has been filed by the petitioner under Articles 226 and 227 of the Constitution of India, 1950 praying for quashing the impugned order dated 22.07.2022(Annexure-4) passed in Misc. Case No.68 of 2019 by the Assistant Settlement Officer, Rental Colony, Bhubaneswar (Opposite Party No.2).

2. Heard from the learned counsel for the petitioner and learned Standing Counsel for the State.

3. Learned counsels of both the sides submitted that, the case land is situated in Mouza-Sampur in respect of which, the settlement operation is going on.

As per Section 22(2) of the Orissa Survey and Settlement Act, 1958, the order passed by the Assistant Settlement Officer, Rental Colony, Bhubaneswar (Opposite Party No.2) like the impugned order is assailable before the appellate authority, i.e., before the Settlement Officer.

4. When the statutory appellate forum is available for the petitioner to challenge the impugned order passed in Misc. Case No.69 of 2019 by the Assistant Settlement Officer by preferring an appeal under Section 22(2) of the Orissa Survey and Settlement Act, 1958, then at this juncture, this writ petition filed by the petitioner challenging the same is not entertainable under law.

Therefore, the ends of justice shall be bestly served, if this writ petition filed by the petitioner shall be disposed of finally giving liberty to the petitioner to prefer an appeal before the Settlement Officer at Jobra, Cuttack under Section 22(2) of the Orissa Survey and Settlement Act, 1958 challenging the impugned order passed in Misc. Case No.68 of 2019 by the Assistant Settlement Officer and in case of preferring an appeal before the Settlement Officer by the petitioner, the appellate authority shall entertain and dispose of the same as per law.

5. As such, with the aforesaid observations, this writ petition filed by the petitioner is disposed of finally.