

(2025) 12 OHC CK 0035

Orissa HC

Case No: Writ Petition (C) No. 30204 Of 2025

Pranesh Chandra Tarafdar

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision: Dec. 9, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226, 227

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

Bench: Single Bench

Advocate: P. Mohanty, S. Nayak

Final Decision: Disposed Of

Judgement

A.C.Behera, J

1. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for quashing(setting aside) the impugned order dated 13.10.2022(Annexure-5) passed in Suo Motu Appeal Case No.22 of 2015 by the Settlement Officer, Major Settlement, Jobra at Cuttack(Opposite Party No.2).

2. I have already heard from the learned counsel for the petitioner and learned Additional Standing Counsel for the State.

3. During the course of hearing of the writ petition, the learned senior counsel for the petitioner submitted that, the impugned order dated 13.10.2022(Annexure-5) in Suo Motu Appeal Case No.22 of 2015 has been passed by the Opposite Party No.2 without serving any notice on the petitioner,

The draft RoR of the case land was prepared in the name of the mother of the petitioner, i.e., Kanakalata Tarafdar. Kanakalata Tarafdar was the purchaser of the case land. The mother of the petitioner, i.e., Kanakalata Tarafdar expired in the year 2004 leaving behind the petitioner and others as her successors. After the death of the mother of the petitioner in the year 2004, the

case land left by her devolved upon the petitioner and others, i.e., upon her successors. For which, before passing the impugned order on dated 13.10.2022(Annexure-5) in Sua Motu Appeal Case No.22 of 2015, notices of the said Sua Motu Appeal Case No.22 of 2015 should have been issued by the Opposite Party No.2 to all the successors of Kanakalata Tarafdar including the petitioner, but, no notice has been served on any of the successors of Kanakalata Tarafdar including the petitioner in Sua Motu Appeal Case No.22 of 2015 by the Settlement Officer, Jobra at Cuttack (Opposite Party No.2). So, according to the submissions of the learned senior counsel for the petitioner, the impugned order vide Annexure-7 is bad and illegal under law for non-compliance of the principle of nature justice. For which, the same is liable to be quashed. Because, the impugned order dated 13.10.2022 vide Annexure-5 passed in Sua Motu Appeal Case No.22 of 2015 by the Settlement Officer, Jobra at Cuttack (Opposite Party No.2) does not reveal about the service of any notice either on the petitioner or any of the successors of Kanakalata Tarafdar.

4. So, due to non-service of any notice upon the petitioner or any of the successors of Kanakalata Tarafdar for passing the impugned order dated 13.10.2022 passed in Sua Motu Appeal Case No.22 of 2015 by the Settlement Officer, Jobra at Cuttack (Opposite Party No.2), the said impugned order vide Annexure-5 cannot be sustainable under law on the ground of non-compliance of the principles of natural justice.

5. Therefore, the impugned order dated 13.10.2022 (Annexure-5) passed in Sua Motu Appeal Case No.22 of 2015 by the Settlement Officer, Jobra at Cuttack (Opposite Party No.2) is liable to quashed making interference with the same through this writ petition filed by the Petitioner.

6. Therefore, there is merit in this writ petition filed by the petitioner. The same is to be allowed.

7. In result, the writ petition filed by the petitioner is allowed on contest.

8. The impugned order dated 13.10.2022 (Annexure-5) passed in Sua Motu Appeal Case No.22 of 2015 by the Settlement Officer, Jobra at Cuttack (Opposite Party No.2) is quashed(set aside).

The matter vide Sua Motu Appeal Case No.22 of 2015 is remitted back to the Settlement Officer, Jobra at Cuttack (Opposite Party No.2) for deciding the same afresh as per law after giving notice to all the successors of Kanakalata Tarafdar and providing them opportunity of hearing.

9. The parties to this writ petition are directed to appear before the Settlement Officer, Jobra at Cuttack (Opposite Party No.2) in Sua Motu Appeal Case No.22 of 2015 on dated 22.12.2025 for the purpose of receiving the directions of the Settlement Officer, Jobra at Cuttack (Opposite Party No.2) as to further proceedings of the Sua Motu Appeal Case No.22 of 2015 and to file the certified copy of this judgment for the disposal of the appeal.

10. As such, this writ petition filed by the petitioner is disposed of finally.