

ITEM NO.24

COURT NO.17

SECTION XI-A

**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 (C) No(s). 26551/2023

[Arising out of impugned final judgment and order dated 02-01-2023 in WP(C) No. 2801/2014 passed by the High Court of Orissa at Cuttack]

THE STATE OF ODISHA &amp; ORS.

Petitioner(s)

VERSUS

DEEPAK KUMAR SAMANTARAY

Respondent(s)

WITH

SLP(C) No. 26552/2023 (XI-A)  
(..FOR ADMISSION and I.R.)

SLP(C) No. 26558/2023 (XI-A)

SLP(C) No. 2716/2024 (XI-A)  
(FOR ADMISSION and I.R. and IA No.208938/2023-PERMISSION TO FILE  
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 2612/2024 (XI-A)  
(... FOR ADMISSION and I.R. and IA No.234490/2023-CONDONATION OF  
DELAY IN FILING and IA No.234491/2023-EXEMPTION FROM FILING C/C OF  
THE IMPUGNED JUDGMENT and IA No.234493/2023-CONDONATION OF DELAY IN  
REFILING / CURING THE DEFECTS)

SLP(C) No. 2613/2024 (XI-A)  
( IA No.234868/2023-CONDONATION OF DELAY IN FILING and IA  
No.234869/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
and IA No.234870/2023-CONDONATION OF DELAY IN REFILING / CURING  
THE DEFECTS)

SLP(C) No. 2614/2024 (XI-A)  
( IA No.234759/2023-CONDONATION OF DELAY IN FILING and IA  
No.234760/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
and IA No.234761/2023-CONDONATION OF DELAY IN REFILING / CURING  
THE DEFECTS)

SLP(C) No. 2652/2024 (XI-A)  
(FOR ADMISSION and I.R. and IA No.246671/2023-CONDONATION OF DELAY  
IN FILING and IA No.246674/2023-EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT and IA No.246673/2023-CONDONATION OF DELAY IN  
REFILING / CURING THE DEFECTS)

SLP(C) No. 2598/2024 (XI-A)  
( IA No.219998/2023-CONDONATION OF DELAY IN FILING and IA

**No.220011/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.220012/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)**

**SLP(C) No. 2605/2024 (XI-A)  
(FOR ADMISSION and I.R. and IA No.220965/2023-CONDONATION OF DELAY IN FILING and IA No.220971/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.220968/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)**

**SLP(C) No. 2602/2024 (XI-A)  
(FOR ADMISSION and I.R. and IA No.219294/2023-CONDONATION OF DELAY IN FILING and IA No.219296/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.219298/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)**

**SLP(C) No. 2606/2024 (XI-A)  
(.. FOR ADMISSION and I.R. and IA No.220958/2023-CONDONATION OF DELAY IN FILING and IA No.220960/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.220959/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)**

**SLP(C) No. 2608/2024 (XI-A)  
( IA No.221157/2023-CONDONATION OF DELAY IN FILING and IA No.221158/2023-EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 2609/2024 (XI-A)  
(FOR ADMISSION and I.R. and IA No.221166/2023-CONDONATION OF DELAY IN FILING and IA No.221167/2023-EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 2611/2024 (XI-A)  
(IA No.222937/2023-CONDONATION OF DELAY IN FILING and IA No.222938/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 2603/2024 (XI-A)  
(FOR ADMISSION and I.R. and IA No.218222/2023-CONDONATION OF DELAY IN FILING and IA No.218223/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 2588/2024 (XI-A)  
(..FOR ADMISSION and I.R. and IA No.218358/2023-CONDONATION OF DELAY IN FILING and IA No.218359/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 2604/2024 (XI-A)  
(FOR ADMISSION and I.R. and IA No.218903/2023-CONDONATION OF DELAY IN FILING and IA No.218904/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 2621/2024 (XI-A)  
( IA No.223063/2023-CONDONATION OF DELAY IN FILING and IA No.223065/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 2587/2024 (XI-A)**  
**(FOR ADMISSION and I.R. and IA No.217425/2023-CONDONATION OF DELAY**  
**IN FILING and IA No.217427/2023-EXEMPTION FROM FILING C/C OF THE**  
**IMPUGNED JUDGMENT)**

**SLP(C) No. 2595/2024 (XI-A)**  
**(FOR ADMISSION and I.R. and IA No.216643/2023-CONDONATION OF DELAY**  
**IN FILING and IA No.216646/2023-EXEMPTION FROM FILING C/C OF THE**  
**IMPUGNED JUDGMENT)**

**SLP(C) No. 2626/2024 (XI-A)**  
**(FOR ADMISSION and I.R. and IA No.228765/2023-CONDONATION OF DELAY**  
**IN FILING and IA No.228766/2023-PERMISSION TO FILE ADDITIONAL**  
**DOCUMENTS/FACTS/ANNEXURES)**

**SLP(C) No. 2627/2024 (XI-A)**  
**( IA No.230694/2023-CONDONATION OF DELAY IN FILING)**

**SLP(C) No. 2634/2024 (XI-A)**  
**( IA No.228762/2023-CONDONATION OF DELAY IN FILING)**

**SLP(C) No. 2641/2024 (XI-A)**  
**(FOR ADMISSION and I.R. and IA No.247965/2023-CONDONATION OF DELAY**  
**IN FILING and IA No.247966/2023-CONDONATION OF DELAY IN REFILING /**  
**CURING THE DEFECTS)**

**SLP(C) No. 2638/2024 (XI-A)**  
**( IA No.225766/2023-CONDONATION OF DELAY IN FILING and IA**  
**No.225767/2023-EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 2639/2024 (XI-A)**  
**( IA No.226646/2023-CONDONATION OF DELAY IN FILING and IA**  
**No.226647/2023-EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 2610/2024 (XI-A)**  
**( IA No.221124/2023-CONDONATION OF DELAY IN FILING and IA**  
**No.221127/2023-EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 2615/2024 (XI-A)**  
**( IA No.234976/2023-CONDONATION OF DELAY IN FILING and IA**  
**No.234977/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**  
**and IA No.234978/2023-CONDONATION OF DELAY IN REFILING / CURING**  
**THE DEFECTS)**

**SLP(C) No. 2616/2024 (XI-A)**  
**(FOR ADMISSION and I.R. and IA No.226981/2023-CONDONATION OF DELAY**  
**IN FILING and IA No.226982/2023-EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 2586/2024 (XI-A)**  
**(FOR ADMISSION and I.R. and IA No.198078/2023-CONDONATION OF DELAY**  
**IN FILING and IA No.198079/2023-EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 2618/2024 (XI-A)**

( IA No.198611/2023-CONDONATION OF DELAY IN FILING and IA No.198613/2023-EXEMPTION FROM FILING O.T.)

SLP(C) No. 2622/2024 (XI-A)

( IA No.224943/2023-CONDONATION OF DELAY IN FILING and IA No.224945/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 2653/2024 (XI-A)

( IA No.252309/2023-CONDONATION OF DELAY IN FILING and IA No.252312/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

SLP(C) No. 2636/2024 (XI-A)

(FOR ADMISSION and I.R. and IA No.229566/2023-CONDONATION OF DELAY IN FILING)

SLP(C) No. 8619/2024 (XI-A)

(FOR ADMISSION and I.R. and IA No.60997/2024-CONDONATION OF DELAY IN FILING and IA No.61002/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.60998/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

SLP(C) No. 8617/2024 (XI-A)

IA No. 62289/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 26555/2023 (XI-A)

SLP(C) No. 26554/2023 (XI-A)

IA No. 72529/2024 - APPLICATION FOR PERMISSION  
IA No. 72532/2024 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 26553/2023 (XI-A)

SLP(C) No. 26557/2023 (XI-A)

(FOR ADMISSION and I.R.)

Date : 17-12-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KAROL  
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) Mr. Dhananjaya Mishra, AOR

Mr. Prakash Ranjan Nayak, AOR  
Mr. Debasis Jena, Adv.

Ms. Samapika Biswal, AOR  
Ms. Soumya Sannidhanam, Adv.

Mr. Subhasish Mohanty, AOR  
Mr. Mata Prasad Singh, Adv.

Mr. Pritam Singh, Adv.  
 Mr. Vishvanath Agarwal, Adv.  
 Mr. Rajiv Agnihotri, Adv.  
 Mr. R.S. Mishra, Adv.  
 Mr. Jitendra Kumar Sah, Adv.  
 Mr. Manaj Sarkar, Adv.  
 Mr. Umesh Kumar Shukla, Adv.

**For Respondent(s)** Mr. Niranjan Sahu, AOR

Mr. Indrajit Mahanty, Sr. Adv.  
 Mr. Hitendra Nath Rath, AOR  
 Mr. Satyajit Mahanty, Adv.  
 Mr. Abhishek Choudhury, Adv.  
 Mr. P.vamshi Rao, Adv.  
 Mr. Rama Krishna Meka, Adv.

Mr. Uma Kant Misra, Adv.  
 Mr. Prabhati Nayak, Adv.  
 Mr. Debabrata Dash, Adv.  
 Mr. Apoorva Sharma, Adv.  
 Mr. Dhananjai Jain, AOR

Mr. Adarsh Tripathi, AOR  
 Mr. Vikram Singh Baid, Adv.  
 Mr. Ajitesh Garg, Adv.  
 Mr. Veevak Goel, Adv.

Mr. Siddhant Jaiswal, Adv.  
 Mr. Sourav Dutta, Adv.  
 Ms. Shagufa Salim, AOR

Mr. Adeel Ahmed, AOR  
 Mr. Brahmananda Tripathi, Adv.  
 Mr. Md Ghouse Muddin Khan, Adv.

Mrs. Jasvinder Kaur, Adv.  
 Ms. Manjeet Chawla, AOR  
 Mr. Shivam Yadav, Adv.  
 Mrs. Usha Pant Kukreti, Adv.

Ms. Soumya Priyadarshinee, AOR  
 Mr. Naveen Bhardwaj, Adv.  
 Mr. Amit Kumar Srivastava, Adv.  
 Mr. Abhik Sidhu, Adv.

Mr. Anirudh Sanganerla, AOR

Mr. Atul Kumar, Adv.  
 Mr. Abhimanyu Sharma, Adv.  
 Ms. Deepali, Adv.  
 Mr. Tarun Gupta, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Having heard learned counsel for the parties, we are of the considered view that the judgment needs to be quashed and set aside for the simple reason that instead of deciding each case individually, on its given fact, the High Court proceeded to club and decide all the matters by presuming the facts to be common/identical and framing a common question of law.

As such on this short ground alone, the judgment requires interference, we are of the considered view that each case had to be considered on its own merits.

Whether the power exercised by the ASO under the provisions of Section 12 of the Orissa Survey and Settlement Act, 1958 were exercised prior to the finalisation of the Record of Rights or at a subsequent stage was not considered by the High Court. Also as to whether the aggrieved parties had exhausted their remedies as provided under Section 12A and/or Section 15B of the said Act was also not considered by the High Court. The High Court proceeded on the assumption that all the petitioners before the Court had leases in their favour, in relation to which no Record of Rights was required to be prepared in terms of Section 12 of the said Act.

As such, on these grounds alone, without commenting on the merits of the issue and the contentions raised before us, we remand the matter to the High Court for consideration afresh.

We hope and expect that each case would be considered and

decided separately, though expeditiously. All rights and contentions *inter se* the parties are left open to be agitated before the High Court.

The parties are directed to appear before the High Court on 15.1.2025. The parties undertake to fully co-operate in the proceedings before the High Court.

The special leave petitions are disposed of as above.

Pending application(s), if any, stands disposed of.

(DR. NAVEEN RAWAL)  
DY. REGISTRAR

(MATHEW ABRAHAM)  
COURT MASTER (NSH)