

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2102 of 2002

Brundaban Jena and others ***Petitioners***
Mr. Goutam Mukherji, Senior Advocate
-versus-
Union of India and others ***Opposite Parties***
Mr. Debakanta Mohanty, AGA

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK

ORDER
23.06.2022

Order No.

34. 1. The Court has perused the affidavit dated 21st June, 2022 filed by the Special Secretary to Government of Odisha, Agriculture and Farmers Empowerment Department, which states *inter alia* that the scheme floated in 1980 was only for a period of five years and that due to efflux of time, the Petitioners' right to enjoy the fruits "has also been ceased." It is further stated that there is no proposal for any fresh policy in this regard.
2. The Court finds that the affidavit does not address the fact, as noted in the Court's order dated 3rd March 2022, that the Petitioners in the present case have been cultivating the land in question for nearly four decades. It is only after two decades of their cultivation, when a notice is issued to them seeking to evict them, that they approached this Court. The status quo pursuant to the interim order passed by this Court has continued for two more decades.

3. Mr. Debakanta Mohanty, learned Additional Government Advocate for the State submits that if the request for transfer of record of rights (RoR) in the name of the Petitioners is to be entertained, there will be similar requests by several others, who may have been granted land for cultivation by the Government. He further states that the Government may require the land for some other public purpose.

4. It is not clear from the affidavit filed whether the Government requires the land in question for any specific public purpose. If in fact there is no such supervening public purpose for which the land is required, then the Government should seriously consider whether in all such cases, where the persons have been cultivating the land for well over three decades, a scheme can be formulated, which would be beneficial both to the persons undertaking such cultivation as well as the Government.

5. At this stage, Mr. Mohanty states that the Government will have to take a policy decision, which would take at least six months' time.

6. In that view of the matter, while directing that the Government should take a policy decision on the issue in light of the orders passed by this Court on 3rd March, 2022 and today, the Court further directs that till such time the policy decision is taken, the status quo as ordered by the Court earlier vis-à-vis the Petitioners will continue. The policy decision should be taken within a period of six months from today and in any event, not later than 1st February, 2023.

7. The writ petition is disposed of in the above terms.
8. A copy of this order be communicated to the Chief Secretary to Government of Orissa forthwith for compliance.
9. Issue urgent certified copy of this order as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

M. Panda

