

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No.96 of 2022

Benudhar Nayak and another

.....

Petitioners

Mr.S.N.Kar, Advocate

Vs.

***Tahasildar-cum-O.E.A., Collector,
Dharmasala***

.....

Opp. Parties

Mr.H.M.Dhal, AGA

CORAM:

**JUSTICE BISWAJIT MOHANTY
JUSTICE SAVITRI RATHO**

ORDER

13.09.2022

Order No.

11.

1. Heard Mr.Kar, learned counsel for the petitioners and Mr.Dhal, learned Addl. Government Advocate.

2. In this writ petition, the petitioners have prayed for a direction to the Tahasildar, Dharmasala (opp. party), to dispose of the application filed by them under Section 8 (1) of the O.E.A. Act on 24.05.2021 under Annexure-2. In Annexure-2, they have made the following prayer:-

“The petitioners therefore in the facts and circumstances as mentioned above prays that your honour may graciously be pleased to admit this petition, register a OEA Misc. Case, notice this petitioners fixing a date for hearing and production of supporting documents;

And after perusal of documents and hearing, pass appropriate orders to issue R.O.R. (Patta) in the name of these petitioners and realize the back rents and other charges.”

3. Mr. Dhal, learned Addl. Government Advocate relying on a Full Bench decision of this Court in the case of *Smt. Basanti Kumari Sahu v. State of Orissa and others* reported in *1992 (I) OLR, 41* submits that the Tahasildar has no jurisdiction to settle the land with the tenant as per Section 8 (1) of the O.E.A. Act and no power of adjudication of tenancy right is vested with the Revenue Authority. The Tahasildar has only the power to consider the application filed by the petitioner on the administrative side.

4. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs the Tahasildar, Dharmasala (opp. party) to take a decision on the application under Annexure-2 in accordance with law, keeping in mind the above noted decision, within a period of three months and communicate the result of such exercise to the petitioners. Petitioners are directed to co-operate with the Tahasildar.

5. With the aforesaid observations and direction, the writ petition is disposed of.

6. Urgent certified copy of this order be granted as per rules.

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge