

IN THE HIGH COURT OF ORISSA AT CUTTACK

O.J.C. No. 329 of 1995

Mutukuna Mallik

....

Petitioner

Mr. A.N.Routray, Advocate

-versus-

State of Odisha and Others

....

Opposite Parties

Mr. Debakanta Mohanty, Addl. Govt. Advocate

Mr. S.N. Das, Addl. Standing Counsel

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

Order No.

ORDER
15.03.2022

16. 1. This writ petition questions an order dated 26th March, 1994 passed by the Additional District Magistrate, Phulbani in R.C. No.5/1986087 under Section 7A(3) of the Odisha Government Land Settlement Act (OGLS Act) cancelling the lease granted in favour of the present Petitioner, who belongs to a Scheduled Tribe.
2. Learned counsel for the Petitioner at the outset points out that an identical batch of writ petitions has been already disposed of by this Court. In particular, he refers to the order dated 10th August, 2017 passed by this Court in OJC No.520 of 1995 wherein identical circumstances the impugned order was quashed primarily on the ground that it was issued without the previous approval of the Revenue Divisional Commissioner (RDC).
3. This Court has called for the record of OJC No.520 of 1995 and has perused the above order of this Court. Indeed, it is more or less

on similar circumstances that the lease granted in the
aforementioned case was cancelled and by a similar order dated
26th March, 1994. This Court has relied on the decision in
Chandrakala Padhi v. State of Odisha 1997 (I) OLR 52 and on
the ground that the proceedings were initiated without the previous
approval of the RDC the order has been set aside.

4. The present case is identical to the aforementioned case and
therefore, on the same ground namely that prior approval of the
RDC has not been obtained, the impugned order is hereby
quashed.

5. The writ petition is allowed but in the circumstance, with no
order as to costs.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/P.A.