

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.7169 OF 2004

Alla Ramprasad

....

Petitioner

Mr.S.S.Rao, Adv.

-versus-

Padi Sanyasi Dora & ors.

....

Opposite Party(s)

Mr.G.K.Mohanty, Sr.Adv.

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.9.2022**

Order No.

04.

1. Heard learned counsel for the Parties.
2. Dispute involves a decision involving the proceeding under Sub-Section (3-a)(i) of Section 3 of the OSATIP Amendment Regulation 2 of 1956 to review the Permission Case No.56/96.
3. Taking this Court to the pleading and there already involved a permission case being the basis of purchase of the Petitioner from his Vendor, Mr.Rao, learned counsel for the Petitioner straightway taking this Court to the statement of the Vendor recorded by the Competent Authority and reading through the same, contended that the Vendor has a clear admission that not only he had the intention

to sell even taken place pursuant to valid permission of the Competent Authority. Next taking to the statement of the Vendor at Annexure-3, Mr.Rao contended that there is a permission obtained by the Vendor and on a dire need of money to the Vendor and there is delivery of possession of the property after entering into Registered Sale Deed on final payment of money involved there, the Authority has no business in interfering such permission. Mr.Rao, learned counsel for the Petitioner thus alleged, there is mechanical disposal of the Review Proceeding involved herein.

4. Mr.S.Ghosh, learned Additional Government Advocate even though attempted to satisfy the impugned order on the premises that in order to protect the interest of the Tribe people, the Authority was constrained to initiate such proceeding and for the finding in interfering in such permission recorded therein, it appears, there is no infirmity in the order. There is however no denial to the recording of the statement of the Vendor by the Competent Authority at Page-13 of the Brief in consonance with the statement of the Vendor recorded, vide Annexure-3.

5. Considering the rival contentions of the Parties, this Court finds, undisputedly there is permission by the Competent Authority.

Considering the need of the Vendor and the need involves requirement of money to the Vendor for spending of his mother's treatment. Vendor again admitting to have received the entire amount also admits the reason of accepting money was for treatment of his mother. Further there is also clear admission on entering into the Registered Sale Deed in a development, there has been also transfer of the property in enjoyment of the present Petitioner so long. It is at this stage, entering into the reasoning in interfering in the permission, this Court finds, there has been detection of some technical error on the face of the permission order committed by the Officials involved and no responsibility can be attributed either on the Petitioner or his Vendor.

6. This Court in catena of dismissal of matters of this nature has come to observe, in the lacunae or lapses of the Public Authority, Parties involved should not suffer. Further there is also no material coming as to whether any action on erring Officers has been taken for their wrong proceeding involving permission order.

7. In the concrete material establishing the Sale Deed involving the permission being granted by the Competent Authority, money handed over to the Vendor, who is showing no interest for getting

back the property, this Court finds, this is an unnecessary litigation.

As such, interfering with the impugned order at Annexure-1, this Court sets aside the same.

8. With the above observation/direction, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout

