

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15979 of 2012

Subarna Keshari Kanungo ***Petitioner***

Mr. A. Tripathy, Advocate

-versus-

State of Odisha and others ... ***Opposite Parties***

Mr. Debakanta Mohanty, Additional Government Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAIAK**

**ORDER
27.07.2022**

Order No.

06. 1. The challenge in the present petition is to an order dated 22nd January 2003 passed by the Additional Tahasildar, Bhubaneswar in W.L. Case No.1079 of 1973 resuming the land in Khata No.95/110, Plot No.58/400/549 under Mouza- Krushna Nagar, P.S. Chandaka, District-Khurda over an area of Ac.2.000 decimal.
2. The short ground on which the impugned order has been assailed by the Petitioner is that although the land in question was purchased from the original lessee Prasanna Kumar Das (Opposite Party No.6) and thereafter sold to Surya Narayan Pattnaik and Anjalika Pattanaik (Opposite Party Nos.4 and 5) by a registered deed dated 23rd May 1989, no notice was issued to Opposite Party Nos.4 to 6 prior to the resumption of the land in question.
3. It is stated that the Petitioner purchased the land in question on 12th August 2009 from Opposite Party Nos.4 and 5 under a registered sale deed.

4. Considering the fact that no notice was issued prior to cancellation of lease to Opposite Party Nos.4 to 6, the impugned order dated 22nd January 2003 of the Additional Tahasildar, Bhubaneswar is hereby set aside and W.L. Case No.1079 of 1973 will be restored to the file of the said authority and will be listed there on 26th September, 2022. On that date, the present Petitioner as well as Opposite Party Nos.4 to 6 will be present either in person or through their authorized representative along with a downloaded copy of this order. The Additional Tahasildar is requested to proceed in the matter after hearing all of them and any other party who may be affected or interested and dispose of the said WL Case within a period of four months thereafter. Till such time, the interim order passed by this Court on 4th October, 2012 shall continue.

5. The writ petition is disposed of in the above terms.

6. Issue urgent certified copy of this order as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Guin