

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12926 of 2006

Smt. Sukantilata Panda

....

Petitioner(s)

Mr. S.N. Satapathy,
Advocate

-versus-

State of Orissa & Ors.

....

Opposite Party(s)

Mr. S. Mishra,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
21.09.2022**

Order No.

06.

1. This Writ Petition involves the following prayer:-

“Under the circumstances, the petitioner prays that the Hon’ble Court may be pleased to admit the case call for the records from Courts below and on hearing issue writ of mandamus directing the Opp.parties No.2 and 4 to allot and settle A0.08 deci. Of land as applied for in favour of the petitioner as Green Card Holder as per the resolutions of the Government issued under the Government Grants Act which is earlier granted by the Tahasildar in Lease Case No.14 of 2000 and direct the Sub-Collector to confirm the said lease hold land;

And the Hon’ble Court be pleased to issue writ of certiorari quashing the orders of the Opp.parties No.3 & 4 in Annexure-9 and 10 of the writ petition;

And the Hon’ble Court be further pleased to issue any such writ or order as the Hon’ble Court deem fit and proper;”

2. Factual aspect involved herein is that the Petitioner filed an application vide Annexure-1 for providing a suitable land on the premises of her being a homesteadless person and further also having a Green Card issued by the competent authority.

3. The Writ Petition involves a challenge to the order at Annexures-9 & 10 appears to have been passed by the original authority and the appellate authority.

4. Taking this Court to the format of application and the scope provided under different resolution, Mr. Satapathy, learned counsel for the Petitioner attempted to submit the Tahasildar as well as the Sub-Collector appears to have taken a decision contrary to the provisions in the circular available for the purpose. It is, in the process, Mr. Satapathy, learned counsel for the Petitioner requested this Court for interfering in both the orders and allowing the claim of the Petitioners.

5. Mr. Mishra, learned State Counsel, however, in his opposition to the challenge of the Petitioner, taking this Court to the observations in both the orders at Annexures-9 & 10, attempted to submit that the Petitioner was found to be a resident of an urban area. Mr. Mishra, learned State Counsel thus submitted that for the prescription in the Government notification making the provision for providing land to the landless persons in the rural area, there is no wrong in answering of both the Tahasildar as well as the Sub-Collector through the orders at Annexures-9 & 10.

6. Considering the rival contentions of the parties this Court from the order of the Tahasildar finds, there is clear finding that the Petitioner is a resident of Kamakshyanagar Police Station i.e. an urban area, which factual findings are also confirmed by the appellate authority. For the concurrent finding on the locality of the Petitioner and undisputedly since the Petitioner is found to be not a resident of the rural area, there is no application of the scheme and the notification involved herein. In the result this Court finds, there is no infirmity in the impugned orders involved herein requiring to be interfered with.

7. The Writ Petition stands dismissed.

(Biswanath Rath)
Judge

Ayaskanta Jena

