

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 9875 of 2009

Natabar Panda

....

Petitioner

Mr. Manoj Kumar Mishra, Senior Advocate

-versus-

State of Odisha and Others

....

Opposite Parties

Mr. Debakanta Mohanty, Addl. Govt. Advocate

Mr. S.P. Mohanty, Advocate (OP No.3)

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAİK

Order No.

ORDER
23.02.2022

Misc. Case No.17937 of 2016

06. 1. For the reasons stated therein, the application for substitution is allowed. The Misc. Case is accordingly disposed of.

W.P.(C) No.9875 of 2009

2. The Petitioner has questioned a letter dated 8th June, 2009 of the Director of Estate & Ex-Officio, Additional Secretary to Government, General Administration Department, Odisha declining the Petitioner's application dated 15th December, 2008 for transfer of ownership of lease Plot No.N/6-231 from Laxmidhar Tripathy (Opposite Party No.3).

3. The above application was filed by the present Petitioner on the basis of a compromise decree dated 27th July, 1998 in T.S. No.214 of 1998. The said suit was filed by the present Petitioner when an

order dated 26th February, 1998 passed by the GAD purportedly permitting such transfer was not implemented.

4. The stand of Opposite Party No.3, however, is that the order passed by the GAD itself was obtained through fraud. Even the compromise decree is questioned by Opposite Party No.3. On that basis an application was filed in the Civil Court by Opposite Party No.3 for recalling of the order dated 27th July, 1998. When the trial Court declined that application, CMP No.1580 of 2016 was filed by Opposite Party No.3 in this Court which is stated to be pending. Therefore, the very basis on which the application of the present Petitioner for transfer of the lease was made, has now been put in doubt by the Opposite Party No.3, presently represented by his legal representatives.

5. In that view of the matter, it is directed that the GAD will, notwithstanding the order dated 8th June, 2009 revisit the issue of transfer of the ownership of the lease plot No.N/6-231 subject to the outcome of CMP No.1580 of 2016.

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

7. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge