

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3607 of 2004

Sambari Dhala & Another **Petitioner(s)**
Mr.S.Mallik. Advocate

-versus-

Union of India & Ors. **Opposite Party(s)**
Mr.S.Ghose, AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
20.06.2022

Order No.
12.

1. Heard the submission of Mr.Mallik, learned counsel for the petitioners and Mr.Ghose, learned Additional government Advocate for the State.
2. For the clear admission of learned counsel appearing for the petitioners, second relief sought for in the sub-paragraph-1 in prayer portion has already been attended to as one of the family members of the deceased had already been appointed under Rehabilitation Assistance Scheme. The writ petition presently survives only on the claim of the petitioners to a free house hold land. Referring to pleading in paragraph-6, Mr.Mallik, learned counsel for the petitioner contended that the petitioners have the clear pleading that for the prevailing declaration, the petitioners family was entitled to allotment of a free hold land in the State Capital and they accordingly are entitled to the same. It is in the circumstance, Mr.Mallik, learned counsel prays for a direction to the competent authority for grant of a free hold land to the petitioners family for the nature of death involved herein.
3. Mr.Ghose, learned Additional Government Advocate for the State on the other hand referring to counter affidavit of opposite party

no.5 submits that even though there is no clear denial to the prevalent system of allotment of free hold land to the Family members of the deceased employee but, however in reference to counter submission in paragraph-5 submitted there is clear response of the opposite party no.5 that as per the prevalent provision at the time of martyrdom, Rs.1,00,000/- was sanctioned in favour of Sri Lingaraj Dhala, Father of Late Sanatan Dhala, late BSF Constable vide sanction order No.55609 dated 16.11.2001. In the circumstance, Mr.Ghose, learned Additional government Advocate objects entertainability of writ petition any further.

4. Considering the rival contentions of the parties, this Court finds there is no foundation in the claim of the petitioners in paragraph-6 on their entitlement to free hold land. At this stage, this Court takes cognizance of the response of opposite party no.5 that the father of the petitioner has been paid a sum of Rs.1,00,000/- as ex gratia for the death of his son and further for one of the family members of the petitioners has already got an employment under Rehabilitation Assistance Scheme, this Court finds there is no scope for considering the claim of the petitioners on the aspect of grant of free hold land in favour of the family members of the deceased.

5. The writ petition accordingly stands disposed of.

(Biswanath Rath)
Judge