

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 4083 of 2009

Bishnu Charan Swain

....

Petitioner

Mr. Prafulla Kumar Rath, Advocate

-versus-

State of Odisha and Others

....

Opposite Parties

Mr. Debakanta Mohanty, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

Order No.

ORDER
15.03.2022

02. 1. This is a writ petition by the Petitioner, who is a purchaser of the land from the original lessee, whose lease stood cancelled by an order dated 21st September, 1987 of the Additional District Magistrate, Bhubaneswar in Lease Revision Case No.622 of 1987. The challenge to that order by the original lessee in OJC No.8942 of 1995 has been negated by an order passed today by this Court in the disposing of the above writ petition of the original lessee on the ground that with the original lessee having died, no cause of action survives. In effect, therefore, the order dated 21st September, 1987 of the ADM, Bhubaneswar cancelling the lease has attained finality.
2. As far as this writ petition is concerned, the Petitioner had purchased a plot of land after the lease has been cancelled. Despite the fact that he may have been purchased under a registered sale deed, the fact remains that on the date of the purchase, there was

no title in the original lessee to convey to the purchaser. In other words, on the date of purchase the land already stood vested in the Government. Consequently, the sale transaction that took place subsequent to 21st September, 1987 has no validity.

3. On the above short ground, the writ petition has no merit. The writ petition is accordingly dismissed, but in the circumstances, with no order as to costs.

S.K. Jena/P.A.



(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge