

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) PIL No.22970 of 2014

Pitabasa Tulo

Petitioner

....
Mr. G. N. Sahu, Advocate

-versus-

State of Odisha and others

Opposite Parties

....
Mr. Bhabani Shankar Rayaguru, Advocate
for Opp. Party No.5-IDCO and
Mr. P. K. Muduli, AGA

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

**ORDER
10.02.2022**

Order No.

06.

1. The whole basis of the present petition is that Bhoodan lands have been illegally transferred by the State Government in favour of the private entity-Opposite Party No.8 and that the said lands should be restored in favour of the Bhoodan grantees and the Bhoodan Yagna Samiti.
2. In reply to the present petition, a counter affidavit has been filed by the Additional District Magistrate, Rayagada way back on 6th April, 2015 *inter alia* stating that the lands in question do not belong to Bhoodan Yagna Samiti as alleged. He has explained that the lands that were acquired were private lands and the acquisition took place under the Land Acquisition Act, 1894. No lands in Dwimundi Mouza have ever been recorded in the name of Bhoodan Yagna Samiti. At the time of such

acquisition, no objection was raised by anyone. The land was acquired from 24 villages of Kashipur Tahasil and compensation had been paid in LAC Nos.5 of 1995 and 1 of 1997. The land has subsequently been leased out in favour of the Orissa Industrial Infrastructure Development Corporation (IDCO) through Registered Lease Deeds and subsequently to Opposite Party No.8 for 90 years for the establishment of an Alumina Refinery Project at Doraguda.

3. In the last six years, no rejoinder affidavit has been filed to dispute the above averments. The categorical averments of the Opposite Party State that no part of the land belongs to the Bhoodan Yagna Samiti and, therefore, the provisions of Sections 14 and 18 of the Orissa Bhoodan and Gramadana Act, 1970 is not applicable, have not been disputed.

4. In that view of the matter, none of the reliefs as prayed for can be granted. The petition is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

M. Panda