

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.23752 of 2012

Mohan Sundar Sahu

....

Petitioner

Mr. G. N. Mishra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. D.K. Mohanty, AGA

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

**ORDER
12.07.2022**

Order No.

06.

M.C. No.10172 of 2016

1. This is an application for substitution.
2. For the reasons stated therein, the application for substitution is allowed. The legal heirs of Petitioner as more fully described in the schedule be brought on record.
3. The M.C. is disposed of.

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4. The short ground on which the Petitioner seeks to question the sale by way of public auction of the land in question by the Commissioner of Endowments is that he being a tenant in the land for a long period time should be permitted to purchase the property at the rate fixed by the Government.
5. As has been pointed by Mr. Mohanty, AGA, there is no rule, instruction, circular or provisions of the OHRE Act to the effect that an existing tenant would be given the right of first purchase without having to participate in the public auction.

6. Without there being any such legal basis for the relief sought, the Court is unable to accede to the prayer of the Petitioner. It would, however, be open to the Petitioner to participate in the public auction which shall hereafter take place.

7. The writ petition is dismissed. The interim order is vacated.

8. A copy of this order be sent forthwith to the Commissioner Endowments, Bhubaneswar.



(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge