

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.1546 of 2022

Sworup Chandra Das

....

Petitioner

Mr. Debasis Sahoo, Proxy Counsel on behalf
of Mr. Prasanta Kumar Nanda, Advocate

-versus-

Pradeep Kumar Sahoo, Tahasildar,
Bhubaneswar

Opposite Party

Mr. L. Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

11.10.2022

Order No.

04.

This matter is taken up by virtual/physical mode.

1. Though the Petitioner purchased the landed property measuring Ac.0.50dec. out of Ac.1.00 in plot No.58/200, Khata No.98 under Mouza Krushna Nagar from one Guma Singh by executing a registered sale deed dated 24th November, 1990, the Additional Tahasildar, Bhubaneswar proceeded with W.L. Case No. 748 of 1973 [*State of Odisha Vrs. Swarup Chandra Dash*] under misconception that Guma Singh was still in possession of the land in question and the said authority has passed order on 7th October, 2002.

Said order of the aforesaid authority was the subject matter of challenge before this Court in W.P.(C) No. 7245 of 2009 which

came to be disposed of *vide* order dated 20th April, 2016, which is extracted hereunder:-

“2. The Petitioner is the subsequent purchaser from the original lessee Guma Singh who was granted the lease of the land measuring Ac.1.000 in Plot No.58/200, Khata No.98 of MouzaKrushnanagar in W.L. Case No.678 of 1973. The Petitioner claims to have purchased the property from the said Guma Singh through a registered sale deed dated 24th November, 1990.

3. It is obvious from a perusal of the impugned order that the Additional Tahasildar, Bhubaneswar has proceeded on the basis that Guma Singh was still expected to be in possession of the land in question. It is clear that he has not noted the fact that by a registered sale deed the Petitioner became the subsequent Page 2 of 3 purchaser of the land in question. Consequently, it appears that no notice was issued to him.

4. It is pointed out by learned counsel for the Petitioner that in similar circumstances, this Court by an order dated 6th January, 2009 passed in W.P.(C) No.17902 of 2008 set aside the order of the Tahasildar of the same date passed in W.L. Case No.678 of 1973 and remanded the matter to the Tahasildar for a fresh consideration.

5. For the aforementioned reasons the impugned order is set aside. W.L. Case No.748 of 1973 is directed to be listed again before the Additional Tahasildar, Bhubaneswar for directions on 17th May, 2021 on which date the Petitioner shall appear at 11 AM and produce all the documents in his possession and also file whatever written notes of submission he wishes to. The Tahasildar will permit the Petitioner to inspect the record available with the Tahasildar and also to obtain copies of relevant documents which may be required to properly defend himself in the aforementioned proceedings.

6. After hearing the Petitioner, a fresh reasoned order be passed by the Tahasildar not later than 13th September, 2021 and be communicated to the Petitioner not later than 20th September, 2021. Till then the status quo order passed

by this Court on 3rd August, 2009 shall continue. If aggrieved by the order of the Tahasildar, it would be open to the Petitioner to seek appropriate remedies in accordance with law.

7. The writ petition is disposed of in the above terms.”

2. It is alleged that though the aforesaid authority was directed to pass reasoned order not later than 13th September, 2021, which was required to be communicated to the Petitioner not later than 20th September, 2021, as yet the said direction remained non-compliant. Hence this contempt petition has been filed by the Petitioner against Mr. Pradeep Kumar Sahoo, Tahasildar, Bhubaneswar.

3. On earlier occasion, when the matter was on board on 19th May, 2022 and 27th July, 2022, Mr. L. Samantaray, Additional Government Advocate prayed for time to obtain instruction in this matter.

At the time of hearing today, Mr. L. Samantaray, Additional Government Advocate furnished copy of order sheet maintained in W.L.L. Case No. 748 of 1973 and by serving a copy thereof on the counsel for the petitioner, submitted that *vide* order dated 15th September, 2022, the Additional Tahasildar, Bhubaneswar has passed a reasoned order as directed in the order dated 20th April, 2021 passed in W.P.(C) No. 7245 of 2009.

4. This Court finds no wilful disobedience in complying with the directions contained in order dated 20th April, 2021 passed by this Court in W.P.(C) No. 7245 of 2009 and hence, the contempt is not required to be proceeded with. Accordingly, the contempt

petition is dismissed. However, the Petitioner is at liberty to seek appropriate remedy against the order passed by the Additional Tahasildar, Bhubaneswar in WL Case No.748 of 1973 in accordance with law, if so advised.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

October 11, 2022 Cuttack

