

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 7765 of 2022

Dasharathi Ojha

....

Petitioner

Mr. Atul Tripathy, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr.Swayambhu Mishra ,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

08.04.2022

Order No.

2. This matter is taken up through hybrid mode.
2. Grievance of the Petitioner in this writ petition is with regard to inaction of the authority, namely, Sub-Collector-cum-Assistant Consolidation Officer, Puri in disposing of the conversion application in OLR Case No.21 of 2020 filed under Section 8-A of the Odisha Land Reforms Act, 1960 (for short, 'the Act') for conversion of Hal Plot No.1181 in LR Khata No.480/438 in mouza Sipasarubali from 'Patita' to 'Homestead'.
4. It is submitted by Mr.Tripathy, learned counsel for the Petitioner that the he is the rightful owner in possession of LR Khata No.480/438 which corresponds to Hal Plot No.1181 under to an extent of Ac.0.13 decimal in mouza Sipasarubali of under Sadar Tahasil, Puri/Brahmagiri. The land in question has been recorded as 'Patita'. Since the Petitioner is intending to construct house over the same, he filed an application in OLR Case No.21 of 2020 under Section 8-A of the Act for conversion of the same to homestead. Although there is no legal

impediment for disposal of the said application, the Opposite Party No.3, for the reasons best known to him, is not taking up the matter for which the Petitioner is highly prejudiced. Hence, finding no other alternative, the Petitioner has filed this writ petition for a direction to Opposite Party No.3 to adjudicate the said OLR Case No.21 of 2020 (Annexure-2) at an early date.

5. Mr.Mishra, learned Additional Standing Counsel referring to letter No.4166 dated 18th June, 2021 (Annexure-3) of Sub-Collector, Puri addressed to Tahasildar, Brahmagiri/Puri submits that since the Airport is proposed to be constructed no high-rising building should be allowed to be constructed nearby the said place. The land owners are filing conversation cases to get compensation at higher rate expecting acquisition of their land for construction of airport. That might be the reason for non-consideration of the application filed by the Petitioner under Section 8-A of the Act.

6. Taking into consideration the submissions of the Petitioner and the learned Standing Counsel, this Court is of the considered opinion that since the application under Section 8-A of the Act is pending for consideration before the authority under the Act he is obliged under law to adjudicate the same on its own merit giving opportunity of hearing to the parties concerned. He cannot keep the same pending for eternity.

7. In that view of the matter, this Court, without expressing any opinion on the merit of the case of the Petitioner, disposes of the writ petition with a direction that the Sub-Collector-cum-Assistant Consolidation Officer, Puri to adjudicate and dispose of OLR Case No.21 of 2020 filed by the Petitioner under Section 8-A of the Act in accordance with law giving

opportunity of hearing to the parties concerned, as expeditiously as possible preferably within a period of three months from the date of production of certified copy of this order.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy