

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 181 of 2019

***Chief General Manager, Mahanadi* *Appellant*
*Coalfields Limited, Jharsuguda***

Mr. Somadarsan Mohanty, Advocate

-versus-

State of Odisha and others* *Respondents

Mr. Debakanta Mohanty

Additional Government Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
14.11.2022**

Order No.

07. 1. The challenge in the present writ appeal is to an order dated 25th March, 2019 passed by the learned Single Judge disposing of the W.P.(C) No.12062 of 2009 filed by the Appellant. In the writ petition, the Appellant had challenged an order dated 30th March 2009, passed by the Collector, Jharsuguda in Encroachment Revision Case No.6 of 2007 whereby it was held that since a formal lease deed had not been executed in favour of the Appellant in respect of the Government land measuring Ac.97.790 decimal, pertaining to M.S. Khata No.309 (Rakhit) of Mouza Brajarajnagar Town, Unit No.3, Jharsuguda, it was an unauthorized occupation of the said land. Accordingly, the order passed by the Appellate Court on 13th February, 2007 in Encroachment Appeal No.1 of 2000 was upheld.

2. Even before the learned Single Judge, it was apparent that no formal lease deed had been executed in respect of the land in question in favour of the Appellant. Consequently, the learned Single Judge while noting that there was no scope for interference, permitted the Appellant “to apply for settlement of the land dependant on the development of the lease execution of the disputed land involved herein”.

3. The impugned order was passed on 25th March, 2019. The learned counsel appearing for the Appellant states he has no definite instructions on whether or not the Appellant has even as of date applied for execution of a lease in its favour in respect of the land in question.

4. It must be noted here that in the present writ appeal, there has been no interim stay of the impugned order of the learned Single Judge. In other words, there was no impediment to the Appellant applying for execution of regular lease deed in its favour in respect to the land in question.

5. Consequently, it is directed that it will be open to the Appellant if not already done, to make an application to the State Government not later than 19th December, 2022 seeking the execution of the lease in respect to the land in question in its favour. In the application, the Appellant can also raise the issue of the premium to be paid for the land in question. If such application is made, then subject to the Appellant complying with all the formalities, the Respondent authorities will communicate to the Appellant the

decision on such application within a period of 8 weeks thereafter and in any event not later than 27th February, 2023.

6. Needless to mention that if the Appellant is aggrieved by the decision of the Respondent authorities, it will be open to the Appellant to seek appropriate remedies in accordance with law. The writ appeal is disposed of in the above terms.

S. Behera



(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge