

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.8618 OF 2003

Suru Appalanarasayya @ Suru Appala Raju

Petitioner

Mr.S.S.Rao, Sr. Adv.

-versus-

Himirika Ganga & ors.

Opposite Party(s)

Mr.S.Ghosh, AGA

CORAM:

JUSTICE BISWANATH RATH

Order
No.

ORDER
27.6.2022

8. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves a challenge to the order at Annexure-4 in OSATIP Case No.150 of 2001.
3. Considering the rival contentions of the Parties and on perusal of Annexure-3, this Court finds, there has been already grant of permission by the Competent Authority on valid grounds not only that after the grounds of the owner in seeking the permission for sale of land involved here have been accepted and the permission being granted, there has been entering into registered sale deeds even accepting the sale price involved in the consideration. The Petitioner is even in possession and enjoyment of the property after handing over the case of the land involved by her Vendor over some decades. There has been suo motu initiation of review case. Perused the grounds in allowing the case and this Court finds, once a permission is granted by the Competent Authority and not challenged by the

beneficiaries to such permission and furthermore, the amount involved therein recorded also in the permission order having been made over and enjoyed. Further, looking to the depositions of the Vendor involved herein, they have utilized the money so received for purchase of Bullocks, this Court finds, there is no proper consideration of all these issues involved. The impugned order is an outcome of mechanical disposal of such proceeding.

4. By virtue of the interim order of this Court dated 28.10.2003, the Petitioner was allowed to continue with possession of the disputed property.

5. As a whole, this Court finds, the order at Annexure-4, so far as it relates to OSATIP Case No.150/2001, since passed without considering the materials available on Record and further remains contrary to the materials available on Record, is set aside.

6. The Writ Petition thus succeeds.

(Biswanath Rath)
Judge

M.K.Rout