

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 8564 of 2018

Rabindra Ghadei and Others

.... ***Petitioner***

Mr. J.K. Mishra, Advocate

-versus-

State of Odisha and Others

... ***Opposite Parties***

Mr. A.P. Das, Addl. Standing Counsel

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAİK

Order No.

ORDER
27.04.2022

32. 1. Paras 9 and 12 of the counter affidavit filed by the Opposite Parties read as under:

“9. That, in reply to the averments made in Paragraph-6 of the Writ petition, it is submitted that the kissam of land is Gochar in classification and there is excess Gochar land is available in the village. As per Section – 3A (1)(2)(c) of OGLS Act, the Collector is competent de-reserve the Gochar land in excess of reasonable requirement for the purpose for which it was reserved. Due to filing of above writ petition, the de-reservation proposal has not been processed.

The case land is lying vacant and construction of Adarsha Vidyalaya will not create any problem after de-reservation as there is excess Gochar land is available in the said village. Some people for their own benefits are opposing the construction of Adarsha Vidyalaya.

.....

12. That, in reply to the averments made in para-9 of the writ petition, it is submitted that the case land has been selected by the members of the Site Selection Committee for construction of Adarsha Vidyalaya. As the Site Selection meeting proceeding has not been approved by the Collector, the de-reservation case record has not been started. So question of issuance of notice as required under Rule 4(1) does not arise but both the local R.I. and the Tahasildar have conducted spot visit prior to convening Site Selection Committee meeting. Hence, the contrary allegations being devoid of merit are liable to be rejected.”

2. Considering that no construction has taken place and the process of de-reservation has not even commenced, the Court does not consider it necessary to issue any directions at this stage other than requiring Opposite Parties to give sufficient advance notice to the village in question in case the de-reservation process is hereafter sought to be commenced.

3. The writ petition is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/Secy.