

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.11201 of 2022

(Through Hybrid mode)

Ahalya Mohapatra and others

Petitioners

Mr. Samir Kumar Mishra , Advocate

-versus-

State of Odisha and others

Opposite Parties

Mr. A. K. Sharma, AGA

Mr. Amit Kumar Nath, Advocate for O.P.2

Mr. Gopinath Mishra, Advocate for O.P.3

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE SANJAY KUMAR MISHRA

ORDER

24.11.2022

Order No.

03. 1. Mr. S. K. Mishra, learned advocate appears on behalf of petitioners and submits, his clients had moved this Court earlier by W.P.(C) no.6486 of 2010. The writ petition was disposed of by order dated 22nd February, 2022 on recording his client was prepared to pay current market value for the property in question. He submits further, the property was to be transferred in year 1989. Assement of value was made and paid. Deposit was made in year 1991, within the time limit. Hence, his clients have challenged order dated 21st April, 2022,

made jointly by the Administration and Commissioner of Endowments, fixing market value of the land at Rs.4,00,00,000 (Rupees four crores) per acre. He submits, the evidence does not support such a valuation.

2. Mr. Nath, learned advocate appears on behalf of opposite party no.2. and submits, reasons have been given in impugned order. State Highway has been developed in the vicinity. Prices skyrocketed. These facts were considered and stated in impugned order. There should not be interference.

3. Mr. G. N. Mishra, learned advocate appears on behalf of opposite party no.3 and submits, interference by the Court in favour of petitioners will result in the deity losing benefit of market value of the land. If petitioners are not interested, the land be put to public auction.

4. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and adopts submissions made by Mr. Nath.

5. The reasons have been given as bullet points in impugned order. We have perused the points. We made query of Mr. Nath and Mr. Sharma, regarding omission to refer to evidence in making the

points, urged as reasons. Nothing could be shown. In the circumstances, we appreciate impugned order be one without reasons.

6. Contention of opposite party no.3 is beyond scope of the writ petition.

7. Impugned order is set aside and quashed. The State and opposite party no.2 will forthwith revisit fixation of market value of the land in question and inform petitioners of their decision. For the purpose, petitioners and opposite party no.3 will have liberty to produce relevant documents before opposite party no.2 by 5th December, 2022. Decision is to be informed by four weeks thereafter.

8. The writ petition is disposed of.

(*Arindam Sinha*)
Judge

(*S. K. Mishra*)
Judge

Prasant