

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) PIL No. 14215 of 2021

Kshirodra Kumar Jhankar and others* *Petitioners

Mr. Samir Kumar Mishra, Advocate
-versus-

State of Odisha and others* *Opposite Parties

Mr. Nirod Kumar Sahu and associates,
Advocate for Opposite Parties 7, 8 and 9 and
Mr. Debakanta Mohanty, AGA

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAIK**

**ORDER
04.08.2022**

Order No.

W.P.(C) No.14215 of 2021 and I.A. No.13721 of 2021

05. 1. This is a public interest litigation (PIL) filed by twenty persons, residents of District Bargarh challenging a notice dated 24th February, 2021 issued by the Sub-Collector, Bargarh under Section 22 of the Odisha Land Reforms Act intimating the application made by Opposite Party Nos.7, 8 and 9 for sale of land stated to be belonging to the deity Sri Sri Gram Devi Bijje, Nijigaon, marfat Sebayat.
2. It is pointed out in the additional affidavit filed by Opposite Party Nos.7 to 9 that during the pendency of the present petition, the permission applied for by Opposite Party Nos.7 to 9 has been rejected by an order dated 17th December, 2021 of the Sub-Collector, Bargarh. That has been challenged in an appeal before

the ADM, Bargarh and is pending there. Meanwhile, the very same Opposite Party Nos.7 to 9 have filed W.P.(C) No.27980 of 2021 in this Court challenging a letter dated 5th December, 2019 (Annexure-2) of the Additional Assistant Commissioner of Endowments, Sambalpur directing the Tahasildar, Bargarh to record the land in question in favour of the deity. In that writ petition, an interim order has been passed staying the operation of the said letter. That writ petition is pending. When it came up for hearing on 10th November 2021, since the Court concerned was informed of the pendency of the present PIL, it directed that the said writ petition should be listed along with the present PIL. For some reason, however, the petition is not listed before this Court today.

3. The second part of the prayer in the present petition is that an enquiry should be ordered into the illegal recording of the deity's property in favour of private individuals more particularly Opposite Party Nos.7 to 9 and restore the property in favour of the deity.

4. As far as the first part of the prayer is concerned, since the permission has been refused to Opposite Party Nos.7 to 9, the impugned notice dated 24th February, 2021 does not survive any longer.

5. As far as the second part of the prayer is concerned, as already noted there is already a petition being W.P.(C) No.27980 of 2021 concerning the very same property, which has been filed by Opposite Party Nos.7 to 9.

6. There is yet another petition being W.P.(C) No.9419 of 2022, which has been filed by persons aggrieved by an order passed by the Member, Board of Revenue in VPA Revision Case No.1 of 2018 dated 11th March 2022, holding that the property in question is a Rayati property of Opposite Party Nos.7 to 9 and has no nexus with Khata No.2525 recorded in the name of the deity.

7. Considering that there are already two petitions concerning the very same property, one pending before the Division Bench [W.P.(C) No.27980 of 2021] and the other before the learned Single Judge being W.P.(C) No.9419 of 2022, it will be open to the present Petitioners to seek to intervene in any of those pending petitions so that there is no multiplication of petitions concerning the very same property and the very same deity.

8. Consequently, the Court is not inclined to proceed further in the present PIL.

9. The writ petition and the I.A. are disposed of. It is further directed that both W.P.(C) No.27980 of 2021 and W.P.(C) No.9419 of 2022 will now be listed together before the Roster Division Bench on 10th October, 2022.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge