

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7557 OF 2011

Ram Chandra Naik

....

Petitioner

Mr. Niranjan Panda, Advocate

-versus-

Tahasildar, Tangi-Choudwar

....

Opp. Party

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

26.10.2022

Order No.

7. 1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition prays for a direction to the Tahasildar, Tangi-Choudwar to accept the rent in respect of Plot No.130 under Khata No.320 of Village Machhapangi in the district of Cuttack (for short, the 'case land') with effect from 2010-11 and to return the rent receipts from 2003 to 2009 received by the concerned RI.
3. Mr. Panda, learned counsel for the Petitioner submits that the case land was settled in favour of the Petitioner in Lease Case No.185 of 1975 initiated by the Tahasildar, Tangi-Choudwar and record of right under Annexure-2 was prepared. The lease was granted in favour of the Petitioner as he was an ex-serviceman. Till 2009, the concerned RI accepted the rent in respect of the case land, but thereafter refused to accept the same. When the Petitioner approached the RI to accept the rent, he asked to produce all the previous rent receipts, which the Petitioner has made over to him, but neither the rent was accepted in respect of the case land nor the rent receipts received

by the RI were returned to the Petitioner. Hence, this writ petition has been filed.

4. Mr. Mishra, learned ASC referring to the counter affidavit filed by the Opposite Party, submits that the lease case record relates to one Labnyabati Sethi of village Mahishalanda. Referring to para-4 of the counter affidavit, Mr. Mishra, learned ASC submits that the documents submitted by the Petitioner are not genuine. Hence, he prays for dismissal of the writ petition.

5. Considering the submissions made by learned counsel for the parties and on perusal of record, it appears that the Petitioner claims his right basing upon the order passed in Lease Case No.185 of 1975 and photocopies of the rent receipts annexed to the writ petition. The said documents are seriously disputed by the Opposite Party alleging those to be not genuine. Because of the factual dispute, the same cannot be decided in this writ petition. The Petitioner has also not submitted any document of the lease case allegedly initiated in his favour.

5.1 Mr. Panda, learned counsel for the Petitioner, however, submits that said documents are available in the office of the Tahasildar, Tangi-Choudwar. He further submits that whatever documents the Petitioner had, the same were handed over to the RI under a bona fide impression that he would accept the rent in respect of the case land. Such a contention of learned counsel for the Petitioner cannot be accepted in absence of any material to that effect. Further, concerned RI is not a party to the writ petition. Hence, no direction to return the rent receipts from 2003 to 2009, as prayed for by learned counsel for the Petitioner in this writ petition, can be entertained.

6. Accordingly, the writ petition fails. It is, however, observed that the Petitioner, if so advised, may work out his remedy in accordance with law.

(K.R. Mohapatra)
Judge

s.s.satapathy

