

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.15936 OF 2022

Hatanath Sahoo

....

Petitioner

Mr.M.K.Rath, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
11.7.2022**

Order No.

02.

1. Heard learned counsel for the Parties.
2. This is a writ petition seeking quashing of order under Annexure-3, an order refusing the request of the petitioner for grant of permission for selling of land, vide Annexure-2 involving a Jawan Lease Land.
3. Referring to the endorsement made in Annexure-2 involving the disputed property further involving the petitioner as well, learned counsel for the petitioner contended that for the restriction imposed in the record of right to the effect not to transfer the disputed land within ten years from the date of allotment of the land and in the meanwhile ten years restriction period having been over, refusal to grant permission to the petitioner for sale of the land involved is illegal and accordingly, learned counsel for the petitioner pressed for allowing the writ petition by setting aside the order of refusal of permission.

4. This matter was heard on earlier occasion and on objection of the learned State Counsel for sale of land involves on the premises that by grant of permission, the retired Jawan may again become landless person, this Court directed the State Counsel to produce any such restriction involving sale of the disputed land on the next date.

5. Today, during course of hearing, learned State Counsel makes a statement that there is no such condition except restriction is being imposed following the provision under the O.L.R. Act as clearly borne from Annexure-2.

6. Considering the rival contentions of the Parties and in absence of any restriction to sale Jawan Lease land except the restriction imposed under the provision of O.L.R. Act restricting sale of lease land within ten years of the allotment, as clearly borne in the record of right vide Annexure-2, this Court finds, since sufficient time has already elapsed from the allotment of the land in favour of the petitioner, there is no reason on the part of the public authority denying grant of permission.

7. Under the circumstance, this Court finds, the order denying grant of permission vide Annexure-2 becomes bad but however in the interest of justice and protecting the interest of State in the matter of allotment of land to Ex-Jawan, protecting the Jawan not making a fresh claim for his becoming a landless person again, this Court while allowing the writ petition directs the petitioner to file an affidavit before the Additional District Magistrate concerned and also to indicate in the instrument to be registered involving the disputed land clearly disclosing that he will not have any future claim for allotment of land by Government.

8. With the aforesaid observation and direction, the writ petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout

