

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.16704 OF 2022

Susanta Bhupati

....

Petitioner

Mr.G.Mishra, Adv.

-versus-

The Sub-Collector, Malkangiri

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
29.7.2022**

Order No.

02.

1. Heard learned counsel for the Parties.

2. The Writ Petition involves the following prayer :-

“Therefore, it is prayed that the writ petition may be admitted, the records may be called for and after hearing the parties the same may be allowed through appropriate writ(s);

By

quashing the unreasonable and irrational conditions requiring purchase of equal area of land simultaneously on the date of registration of transfer of case land in the operative portion of the order under Annexure-1;

And

Granting any other relief(s) as found fit and proper in the facts and circumstances of the case;”

3. This matter involves a challenge to the conditions imposed in ultimately allowing the application of the Petitioner under the provision of Section 22 of the O.L.R. Act registered as OLR Case No.1 of 2022, vide Annexure-1.

4. Mr.G.Mishra, learned counsel for the Petitioner assailing the impugned order particularly to the conditions in allowing such application submits that looking to the condition imposed permitting the Petitioner to sell the land involved, the condition becomes impracticable for the reason unless the land involved and equal proportionate land is again sold and registered at the same time, it is impossible of getting into the purchase of another set of land and getting the same registered on the same date itself. Mr.Mishra further submitted that the Competent Authority exceeded its jurisdiction, vide Section 22 of the Act.

5. It is here Mr.S.P.Panda, learned Additional Government Advocate taking this Court to the counter averment in Paragraph-5 submitted that there is ascertainment by the Competent Authority by several issues; there is sufficient land to be surviving with the Vendor to maintain himself and the valuation of the land to be sold also appears to be very high. Thus Mr.Panda contended that there is reasonable condition.

6. This Court perused the scope under Section 22 of the OLR Act and finds, the Competent Authority has very limited role. Considering the rival contentions of the Parties, this Court finds, there is no dispute that the Public Authority has responsibility in

exercising its power under Section 22 of the OLR Act also to protect the interest of the S.C. & S.T. people involved therein. In the event, the Competent Authority was of the opinion that there was likelihood of suffering by the S.C., nothing prevented the Public Officer to pass practicable order in disposing of the Section 22 of the OLR Act application. Reading the order passed by the Competent Authority in exercise of power under Section 22 of the OLR Act and the conditions so imposed, this Court finds, there has been already allowing of permission for sale of the land involved but the condition imposed appears to be so stringent ultimately making the permission ineffective. In the circumstance, interfering with the condition aspect only remits the matter to the Competent Authority only to take a fresh view on the condition aspect so as to make the permission sustainable and strictly in terms of Rule 22 of the OLR Act. The Petitioner shall appear before the Competent Authority along with copy of order of this Court on 10th August, 2022 and the Competent Authority shall do well in clearing the condition aspect at least within two weeks thereafter.

7. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge