

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 4441 of 2022

Asim Baran Devanath

....

Petitioner

Mr. Lokanath Kabi, Advocate

-versus-

Satyabrata Sahu, IAS and others

Opposite Parties

Mr. M.K.Khuntia, AGA

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S.SAHOO

ORDER

14.12.2022

Order No.

Hybrid Mode

- 4.** 1. By filing the present petition, the petitioner alleges non-compliance of the order passed by this Court dated 04.01.2022 disposing of W.P.(C) No.32193 of 2021 and further prays the Court to proceed against the opposite party as per the provisions of the Contempt of Courts Act, 1971.
2. As directed by earlier order dated 10.08.2022, Tahasildar, Dharmasala in the district of Jajpur was present in person on 29.09.2022, compliance affidavit dated 21.09.2022 was filed which forms part of the record and the matter was adjourned on 29.09.2022 to today at the instance of the petitioner.
3. When the matter is taken up today, learned counsel for the petitioner prays for further adjournment which is apparently for no justifiable reason.
4. Regarding the steps taken by the opposite party-authority to comply the orders passed by this Court, the following has been stated in the compliance affidavit dated 21.09.2022 filed on 23.09.2022 :

“7. That, the present deponent joined the Dharmasala Tahasil on 19.08.2021. Thereafter pendency of such lease

application was not within his knowledge. Subsequently, the Tahasildar has tried his level best to trace out the said lease application dated 6.12.2019, but the same could not be traced out in the office; for which, the deponent immediately contacted the applicant and requested him to supply a copy of the lease application dated 6.12.2019. Thereafter, a fresh Lease Case bearing No.83 of 2022 was instituted on the very same day examining the contents of the application. The scheduled land stated in the application form was sent for verification both on field and revenue records.

8. That, it is humbly submitted that, after receipt of the field enquiry report from the concerned Revenue Inspectors and verification report of the Record Keeper; the following points of observation were noted :

i. Out of the applied 3 plot areas measuring Ac.4.93 in Mouza-Chahata, the entire plots have been alienated/transferred to multiple Govt. Departments for various public purposes.

ii. Out of the applied 7 plot areas measuring Ac.1.30 in Mouza-Kumari, only Ac.0.26 is laying vacant as grass field which can be used for various Govt. Projects in future while the rest of the area measuring Ac.1.04 has pucca construction by others.

iii. Out of the applied 11 plot areas measuring Ac.0.79 in mouza-Jaraka, all the plots are "Stitiban" in status and all Recorded Tenants are in peaceful possession over their respective private plots.

iv. As per the available records, no other encroachment free leasable Govt. Land (Reserved for Jawans) are available under the jurisdiction of the Dharmasala Tahasil which can be recommended in favour of applicant.

v. Due to the non-availability of any suitable land in the past, each time the-then incumbent Tahasildars from Darpan and Dharmasala had been unable to settle any applied plot lands in favour of the petitioner.

In this regard, copies of enquiry report of R.I. Srinagar, joint enquiry report of R.I., Choramuhan Circle and Revenue Supervisor, Dharmasala Tahasil along with status of land is annexed herewith as Annexure-A series.

9. That, this information has been duly communicated to the petitioner vide this Office letter no.3894 dated 30.08.2022 and the **lease case was disposed with a recommendation to the applicant** for availing the provision for **“Monetary Grant in lie of agricultural land to the landless Jawans”** vide resolution no.7390 dated 19.03.2014 by the Home Department, Govt. of Odisha. Many such applicants under Dharmsala Tahasil have been granted monetary compensation due to non-availability of feasible land for settlement.

In this context, a copy of Resolution No.7390 dated 19.02.2014 of Home Department, a copy of order dated 26.08.2022 passed by the Tahasildar, Dharmsala in lease case no.83 of 2022; a copy of the letter no.3894 dated 30.08.2022 addressed to the petitioner **AND** a copy of Memo No.192/ORSB dated 13.5.2021 of Secretary, Rajya Sainik Board, Odisha, Bhubaneswar addressed to the Home Department, which shows one such instances where recommendation has been made for monetary grant in lieu of land in respect of one Sri Prasanta Kumar Mohapatra, Ex-Serviceman are annexed herewith as Annexure-B, C, D & E respectively.”

5. In the premises as indicated above, in our considered opinion, the order passed by this Court dated 04.01.2022 disposing of W.P.(C) No. 32193 of 2021 has been complied with.

Accordingly, the contempt petition is dismissed.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

dutta

14th December, 2022
Cuttack