

A.F.R

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18204 of 2022

Pradeep Kumar Pradhan

....

Petitioner(s)

Mr. P.Ku. Mishra,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S.P. Panda
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.08.2022**

Order No.

01. 1. Heard this matter at the admission stage.
2. Petitioner made a complaint under Annexure-1 against the Opposite Party No.2 a public authority regarding involvement of illegal activities in the matter of allotment of the land and/or settlement of the land in favour of the Opposite Party No.3. The complaint discloses an action against the Opposite Party No.2 under alleged wrong doing. It appears, on entertainment of the complaint the Lokayukta issued notice to the Opposite Party No.2 to have a hearing to find-out; whether the matter comes under its jurisdiction also for hearing on the allegation to find-out availability of any penal action, if any? In the process of hearing the Lokayukta involved the Opposite Party No.2 and sought for their response, in the course of hearing also involving the Petitioner and the party likely to be affected. In response it has been brought to the notice of the Lokayukta through an affidavit that there has been

valid transfer of the land and in the meantime, there has also been correction of the Record of Rights by the competent authority accordingly.

3. It is also pleaded that action of the Competent Authority remains valid so long as it is not adjudicated by the Competent Authority and such action is declared invalid. Opposite Party No.2 thus claimed that the complaint made to the Lokayukta not only remains unfounded but also aims to score grudge as against the Opposite Party No.2 and thus the proceeding remains unentertainable.

4. Heard and considered the submissions of Mr. Mishra, learned counsel for the Petitioner.

5. Petitioner appears to be a Social Activist and certainly not a party affected personally for such actions. Nor there is any Judicial determination holding transfer of land involved herein as illegal. Parties likely to be affected have never raised any grievance. This Court here looking to the nature of the land and the allegation that there has been settlement of the Groacher land and Sarbasadharan land involved finds, even though the land has been settled in favour of the parties long since, there is no objection to such action by any actually affected person. There was no complaint by any local in this regard. This Court observes, unless there is Judicial determination declaring such transfer as bad in Law by the competent authority or the Court of Law, the allegation of this nature remains unsustainable and no inquiry at this level can be undertaken by such body to recommend a public officer to be punished. Further for the Petitioner not being a resident of the locality and in absence of determination by the competent authority holding such action illegal, no proceeding under the jurisdiction of the Lokayukta can be undertaken on mere allegation of illegality. Further

for the clear finding of the Lokayukta that there has been valid occupation of the land through valid allotment this Court observes, unless the allotment in favour of the party is declared bad by appropriate Court of law, jurisdiction of the Lokayukta to find-out any illegal action by the public authority cannot step-in.

6. In the circumstance this Court finds, there is right decision by the Lokayukta requiring no interference in such orders. In the process this Court finds, this is not a fit case to be admitted.

7. The writ petition stands dismissed.

8. Free copy of the order be handed over to Sri S.P. Panda, learned State Counsel.

(Biswanath Rath)
Judge

