

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.18302 OF 2022

Pitambar Nayak

....

Petitioner(s)
Mr.A.P.Bose,
Advocate

-versus-

State of Orissa and others

....

Opposite Party(s)
Mr. U.K.Sahoo,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
26.07.2022

Order No.

01.

1. Heard learned counsel for the Parties.
2. This Writ Petition involves rejection of revision ultimately under the provision of OPLE Act. Taking this Court to the definition of homesteadless person, Mr. Bose, learned counsel for the Petitioner attempted to contend that even if a person is having homestead land, if he has less than one standard acre of land to his occupation, such land should be settled in favour of such person. Reading the provision of Section 7(2)(b) of the OPLE Act. This Court finds, the statute defines homestead person as follows:

“Where any land is in the unauthorized occupation of a landless person, the Tahasildar may instead of evicting such person from the land in his authorized occupation, settle the same with him, so however, the land so settled with him together with the land excluding homestead, if any owned by him and the lands owned by all the members of his family who are living with him in common mess, shall, on no account, exceed one standard acre and shall not include more

than one-tenth of an acre of land which is being utilized or can be utilized for purposes of homestead.”

3. There is material disclosure and admission that Petitioner has already a homestead to his credit and thus the Petitioner does not qualify to be considered as a landless person.

4. Considering the submission of Mr. Bose, learned counsel for the Petitioner and taking into account the definition, this Court finds since the Petitioner is already having a homestead land does not come within the definition of homestead person. In the circumstance, this Court finds, there is right consideration by the Collector in deciding revision involved herein.

5. The Writ Petition stands dismissed for having no merits.

(Biswanath Rath)
Judge

Swarna

