

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19786 of 2022

Banshidhar Behera

....

Petitioner(s)

Mr. S.K. Dwibedi,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Ghose,
Addl. Govt. Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER

23.08.2022

Order No.

01.

1. This writ petition involves the following prayer:-

“The Petitioner therefore, prays that this Hon’ble Court may be graciously be pleased to admit this writ application, call for the records and after hearing the parties issue writ/ writs(s) in the nature of mandamus/ certiorari and thereby direction may kindly be issued to the Opp. Parties especially Opp. Party No.4 i.e. the Tahasildar, Athmallik to grant the permission to the petitioner for alienation of the land under Khata No.403/65 situated at Mouza-Kaintragada under Athmallik Tahasil in the district of Angul for the greater interest of the justice.

And/or pass any other order/ orders deem(s) fit and proper in the interest of justice.”

2. There is a clear pleading in the writ petition that the Petitioner became the owner of the land by virtue of the lease granted by the competent authority. It also appears through Annexure-1 that a record of right has been prepared as a consequence of the lease made between the State and the Petitioner. However for putting of an obstruction therein there is no development involving such property for more than ten years It is submitted that any further transaction involving the

disputed land shall not be made without permission of the Revenue Officer. Taking this Court to the communication vide Annexure-2 learned counsel for the Petitioner submitted that the Petitioner has a pending application before the Tahasildar, Athamallik for permission to sale a portion of the land for his immediate requirement.

3. Considering that the claim of the Petitioner vide Annexure-2 is still pending, this Court finds, the writ petition is not entertainable at this stage. In the process this Court directs the Tahasildar to take a lawful decision on the request of the Petitioner vide Annexure-2 also keeping in view the R.O.R. at Annexure-1.

4. The entire exercise shall be completed within a period of three weeks from the date of communication of an authenticated copy of this order by the Petitioner.

5. The writ petition stands disposed of with the above direction.

(Biswanath Rath)
Judge