

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.20657 of 2022

Jainul Khan

.....

Petitioner

Mr. R. Mohanty, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

07.09.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. R. Mohanty, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the order dated 12.10.2019 passed by opposite party no.3 in Sairat Appeal No.1 regarding sanction of the lease of land appertaining to Khata No.798, Plot No.1 measuring Ac. 41.455 dec. of Mouza-Tamula Sasan, Tahasil-Kendrapara, in favour of the petitioner.

4. Mr. R. Mohanty, learned counsel for the petitioner, instead of arguing the matter on merit, contended that direction may be issued to the authority concerned to consider and dispose of the representation dated 24.11.2021 of the petitioner under Annexure-9.

5. Mr. P.P. Mohanty, learned Additional Government

Advocate appearing for the State-opposite parties contended that so far as grant of sairat source is concerned, question of consideration of representation does not arise. As such, though the petitioner has annexed the extract of order dated 17.10.2019 passed in Revenue (Sairat) Appeal No.01/2019, in compliance of the order dated 18.03.2019 passed by this Court in W.P.(C) No.21949 of 2018, but the petitioner in the prayer portion has stated the order dated 12.10.2019.

6. Having heard learned counsel for the parties and after going through the records, it appears that the petitioner has prayed to quash the order dated 12.10.2019 passed by opposite party no.3 in Sairat Appeal No.1 regarding sanction of the lease of land appertaining to Khata No.798, Plot No.1, measuring Ac.41.455 dec. of Mouza-Tamula Sasan, Tahasil-Kendrapara in favour of the petitioner, but no such order has been annexed to the writ petition. When learned counsel for the petitioner was called upon to point out the order dated 12.10.2019, he contended that there is typographical error and the order dated 17.10.2019 has been placed at Annexure-8 to the writ petition, by which the Sub-Collector, Kendrapara has disposed of the representation of the petitioner directing the Tahasildar, Kendrapara to take steps for settlement of Sairat source, but in the meantime more than seven years have passed. As such, by way of present representation under Annexure-9 dated 24.11.2021, the petitioner is trying to revive his claim, which has already been closed long since.

7. In that view of the matter, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to pursue his remedy before the appropriate forum in

accordance with law.

8. With the above observation, the writ petition stands disposed of.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Alok/Subhasmita

(G. SATAPATHY)
JUDGE

