

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.25757 of 2020

Bishnu Charan Sahu

.....

Petitioner

Mr. H. N. Mohapatra, Advocate

Vs.

Union of India & Ors.

.....

Opposite Parties

Mr. D.R. Bhokta, CGC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

05.12.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. H.N. Mohapatra, learned counsel appearing for the petitioner and Mr. D.R. Bhokta, learned Central Government Counsel appearing for the opposite parties.

3. The petitioner has filed this writ petition seeking to quash Annexure-6, a list of candidate found not-eligible against land loser recruitment in Sambalpur, pursuant to E.N. No.SBP/Land Losers/2019 dated 22.05.2019, by which opposite party no.2 has placed the petitioner at serial no.291 indicating not eligible as he is neither son, daughter nor spouse of the land holder.

4. Mr. H.N. Mohapatra, learned counsel appearing for the petitioner contended that though the petitioner produced Adhar Card, wherein the names of his father and the grandfather have been indicated, along with an affidavit, the authority did not take into consideration his case for rehabilitation appointment

for acquiring the land of his family.

5. Mr. D.R. Bhokta, learned Central Government Counsel appearing for the opposite parties contended that mere filing of the Adhar Card along with an affidavit will not suffice that the petitioner is the grandson of the land loser, unless he produces declaration from the competent court. In absence of such declaration, the authority cannot co-relate the fact that the petitioner is the grandson of the land oustee on the basis of the advertisement issued. Therefore, the authority is well justified in passing the order impugned, which does not warrant interference of this Court.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that except Adhar Card of Bijay Kumar Sahu and Netrananda Sahoo, nothing has been placed on record to co-relate the fact that the petitioner is related to Bijay Kumar Sahu and Netrananda Sahoo. In absence of proper documents, co-relate cannot be made by way of an affidavit. Therefore, the authority is well justified in stating that the petitioner is neither the son, daughter nor spouse of the land holder to claim the benefit, pursuant to advertisement issued.

7. In the above view of the matter, this Court is of the considered view that the entire endeavor made by the petitioner to claim the benefit is not justified for non-production of any material indicating that the petitioner is the son or grandson of the land holder. Therefore, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to approach the appropriate forum

seeking necessary declaration and produce the same before the authority concerned for getting the benefit.

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

(B. P. SATAPATHY)
JUDGE

