

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 22495 OF 2022

Chakra Kumura

....

Petitioner

Mr. Niranjana Panda, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

21.10.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The grievance of the petitioner in this writ petition is with regard to inaction of the Tahasildar, Athamallik-Opposite Party No.4 in taking a decision on the application filed by the Petitioner on 13th July, 2022 for permission to sell the property in Plot No. 72/520 under Khata No. 43/13 of mouza Manarbeda under Athamallik Tahasil in the district of Angul.
3. Mr. Panda, learned counsel for the Petitioner submits that the land in question was leased out in favour of the Petitioner by way of lease from the Government and the same was recorded in the name of the Petitioner. Accordingly, the R.O.R. was issued in favour of the Petitioner under Annexure-1. There is a stipulation in the said lease deed, not to alienate the land within a period of ten years. In the meantime, more than ten years have elapsed from the date of grant of lease. Since the Petitioner at present is in dire need of money, he filed an application on 13th July, 2022 under Annexure-2 before the Tahasildar, Athamallik-Opposite Party

No.4 to grant permission for alienation of the land in question. But the Tahasildar, Athamallik-Opposite Party No.4 has not taken any step in the matter. Hence, this writ petition has been filed.

4. Mr. Mishra, learned Additional Standing Counsel submits that he has no instruction with regard to the status of the application under Annexure-2 stated to be pending before the Tahasildar, Athamallik-Opposite Party No.4. However, if a fresh application is made before the Tahasildar, Athamallik-Opposite Party No.4, the same can be considered in accordance with law.

5. Taking into consideration the submissions of learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction that in the event the Petitioner files an application for permission to sell his leasehold property before the Tahasildar, Athamallik-Opposite Party No.4 within a period of four weeks hence along with certified copy of this order, he shall take a decision on the same in accordance with law as expeditiously as possible preferably within a period of six weeks therefrom and communicate the same to the petitioner.

Urgent certified copy of this order be granted on proper application.

bks

(K.R. Mohapatra)
Judge