

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No.23583 of 2022

Jayashree Panda

.....

Petitioner

Mr. S.K.Dash, Advocate

Vs.

State of Odisha and others

.....

Opp. Parties

Mr. S.S.Pradhan, AGA

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER

29.09.2022

Order No.
04.

1. Heard Mr.S.K.Dash, learned counsel for the petitioner and Mr. S.S.Pradhan, learned Additional Government Advocate.

2. According to Mr. Dash, the petitioner is aggrieved by the inaction of the authorities in complying the policy decision of the Government in its Revenue and Disaster Management dated 08.02.2016 under Annexure-4 for allotment of homestead land to next-of-kin of Central Armed Police Forces (CAPFs) Personnel who die while discharging their duties in anti-Naxalite operation.

3. According to Mr.Dash, the husband of the petitioner was working as a Constable in Border Security Forces and was posted under the command of the Commandant, one 143 BNBSF at Boriguma in the district of Koraput. While discharging his duty, on 7.2.2016, when he along with 19 others went for the spot verification and to find out further details of Naxals involved in an incident, he was killed by the armed Naxals. This was reported to the authority on 8.2.2016.

4. In tune with the above noted policy, the petitioner was intimated vide letter dated 29.04.2016 under Annexure-3 to contact local Tahasildar for allotment of Government land as per Revenue and Disaster Management Department G.O. No.4145/R & DM dated 08.02.2016. Accordingly, the petitioner approached the Tahasildar, Sadar, Cuttack (opposite party No.4) for allotment of Ac.0.04 decimals of land and upon repeated approach, a process of allotment of land was undertaken and after completion of all formalities including the identification of the land, the opposite party No.4 sent the records of lease case No.19 (U)-2017 to the opposite party No.3- Sub Collector, Sadar, Cuttack vide letter No.2019 dated 29.3.2019 for sanction of lease in favour of the petitioner. When no further action was taken, the petitioner approached this Court for a direction to opposite parties to comply with the policy decision of the Government and allot land in order to mitigate her hardship.

5. On instruction, Mr. Pradhan, learned Additional Government Advocate submits that in the meantime the lease case record bearing No.19 (U)-2017 has already been sent to the Government in Revenue and Disaster Management vide office letter No.2180 dated 02.08.2022 and accordingly the matter is now pending before the Government.

6. In such background, Mr. Dash submits that a direction be given to the opposite party No.1 to take a decision on such motion within a specific time period.

7. Considering the submissions made and without expressing

any opinion on the merits of the case, this Court directs the Principal Secretary in Revenue and Disaster Management Department, Government of Odisha to take a decision on the above noted motion within a period of eight weeks, in accordance with law, from the date of production of the certified copy of this order and communicate the result of such exercise to the petitioner.

8. The writ petition is accordingly disposed of.

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

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge

Bichi