

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No.25284 of 2022

***Governing Body of Derabish
Mahila Higher Secondary School
and another***

.....

Petitioners
Mr.M.K.Nayak, Advocate

Vs.

State of Odisha and others

.....

Opp. Parties
*Mr. D.Prusty, Standing Counsel,
School and Mass Education
Department
Mr. S.S.Pradhan, AGA*

CORAM:

**JUSTICE BISWAJIT MOHANTY
JUSTICE SAVITRI RATHO**

ORDER
27.09.2022

Order No.

01.

1. Heard Mr.Nayak, learned counsel for the petitioners, Mr.D.Prusty, learned Standing Counsel for School and Mass Education Department and Mr.S.S.Pradhan, learned Additional Government Advocate.

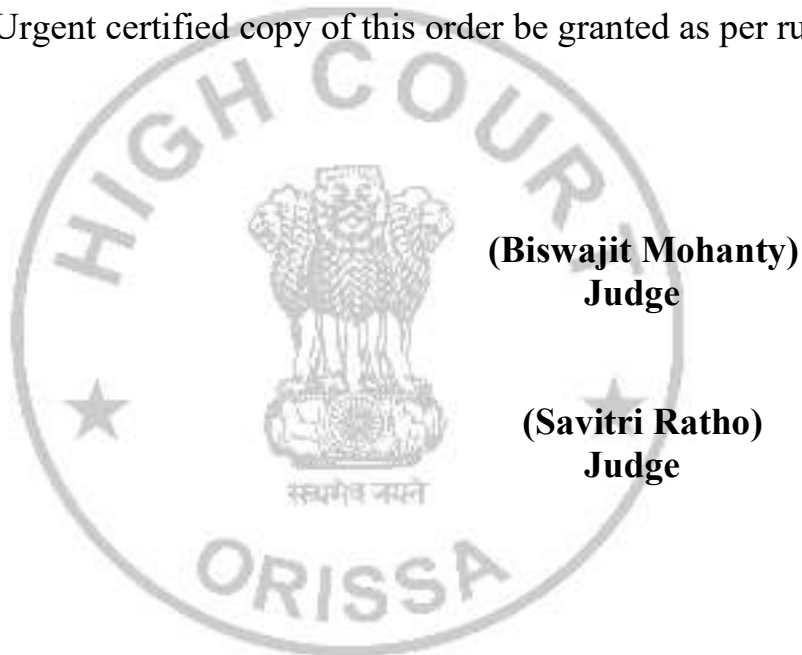
2. Mr.Nayak, learned counsel for the petitioner submits that Derabish Mahila Higher Secondary School was granted permission for its establishment during academic year 1991-92. Subsequently, it was granted permanent recognition by Regional Director of Education by letter dated 9.7.2004 and the employees of the College received Block Grant on 5.7.2011 from the Government of Odisha in its Department of Higher Education. During 2021, a resolution was made by the Revenue and Disaster Management Department to regularize the unauthorized

occupation of Government land by Government and Aided Degree Colleges and Higher Secondary Schools as well as Government and Aided High Schools in the State.

3. Drawing our attention to paragraph-4 (ii) of the Resolution dated 25.11.2021, learned counsel for the petitioners submits that the same permits recording of land up to the extent of area specified in Revenue Department G.O.No.38870/R dated 23rd May, 1977 and No.62250/R dated 26th November, 1998 (i.e., 10 acres in urban areas and 15 acres in rural areas) in the name of Higher Education Department and School and Mass Education Department respectively with marfat of the concerned education institution.

4. Since the present educational institution is in occupation of five acres of land covering Plot No.1533 under Khata No.696 under Mouza:Chatara Chakada in the district of Kendrapara, the petitioners approached the District Education Officer, Kendrapara (opposite party No.4) for regularization of such occupation of the above noted Government land on which Higher Secondary School is running in tune with the letter dated 25th November, 2021 under Annexure-1. On such approach, the opposite party No.4 has submitted alienation forms of many education institutions under Derabish Block including that of the Derabish Mahila Higher Secondary School for regularization of such occupation vide letter No.97 dated 04.01.2022 under Annexure-3 to the Tahasildar, Derabish (opposite party No.5), but till date, the opposite party No.5 is not taking any decision on the same. In such background, he prays that a direction be issued to the opposite party No.5 to dispose of the said motion pending before him within a specific time period.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs the Tahasildar, Derabish (opposite party No.5), to dispose of such motion which has been made by the District Education Officer, Kendrapara vide above noted letter under Annexure-3, within a period of three months from the date of receipt of the certified copy of this order and communicate the result of such exercise to the petitioners.
6. With the above observation and direction, the writ petition is disposed of.
7. Urgent certified copy of this order be granted as per rules.



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