

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25330 of 2022

Biswabhusan Mishra **Petitioner**
Mr. L. Mohanty,
Advocate

-versus-

State of Odisha & others **Opp. Parties**

Mr. H.M. Dhal,
Additional Government Advocate

CORAM:
JUSTICE BISWAJIT MOHANTY
JUSTICE SAVITRI RATHO

ORDER
12.10.2022

Order No.

- 02.
1. Heard Mr. L. Mohanty, learned counsel for the petitioner and Mr. H.M. Dhal, learned Additional Government Advocate.
 2. Mr. Mohanty files an affidavit in Court today enclosing the legal heir certificate and the letter of authorization issued in favour of the petitioner by the other legal heirs. The same be tagged to the case record.
 3. According to Mr. Mohanty, the petitioner has approached this Court seeking for a direction to the opposite parties, more particularly to opposite party No.2 to settle the industrial land annexed to the plot allotted to his late mother Mrs. Pranati Mishra over which the petitioner and other legal heirs namely Bharat Bhusan Mishra and Biplabini Mishra have spent huge amount for constructing RCC & ACC roofed house for running their industrial unit from which they are earning their daily bread. According to him, an industrial and commercial plot of size 90 ft x 75 ft was allotted in the name of the late mother of the petitioner in the year 1974 by registered lease deed No.7247. After the said land was handed over to his late mother, she had made necessary

construction over the said land and accordingly Bhubaneswar Municipal Corporation assessed holding tax which is being paid regularly. Later on, her mother came to know that an area of 10 ft X 90 ft of land towards south side of allotted plot has been demarcated excessively by the Amin over which construction has already been done. Accordingly, on 16.04.1993, she applied for regularization of the excess land in her favour by paying the premium as per the prevailing rate but, no reply was given to her and his mother expired on 04.09.2017. After her death, the petitioner has approached the authorities more particularly, the Special Secretary, G.A. Department, Govt. of Odisha (opposite party No.2) for regularization of the excess land vide representation dated 21.08.2019 under Annexure-6 filed on behalf of all the legal heirs. According to Mr. Mohanty, the grievance of the petitioner in this case is that the said representation has remained undisposed till date. In such background, he prays that a direction be issued to the opposite party No.2 to take a decision on the above noted representation within a specific time period.

4. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs the opposite party No.2 to take a decision on the above noted representation of the petitioner under Annexure-6 in accordance with law within a period of eight weeks from the date of receipt of a certified copy of this order and communicate the result of such exercise to the petitioner, who in turn is directed so share such information with other legal heirs.

5. Accordingly, this writ petition is disposed of.

6. Urgent certified copy of this order be granted on proper application in course of the day.

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge