

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.26243 OF 2022

Tulasa Pangi

....

Petitioner(s)
Miss.D.Mohapatra,Adv.

-versus-

State of Odisha and others

....

Opposite Party(s)
Mr.S.P.Panda,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
12.10.2022

Order No.

- 01.
1. Heard learned counsel for the Parties.
 2. The Writ Petition involves an allegation of inaction at the instance of the Collector, Malkangiri in working out the suggestion contended in Annexure-3. From the submission and materials on record, this Court finds, on allegation of the vendor, the actual owner of the property on the direction of the competent authority, the Tahasildar has entered into enquiry and found the land transaction involved therein to be illegal. Finally the Tahasildar, Chitrakonda by his report dated 12.04.2022 suggested the suit land may be returned to its original status.
 3. From the submission and suggestion, it appears basing on illegal transaction by way of registered sale deed, there appears there is also transfer of the property to the vendee. For there is report observing transfer completely illegal and void, the possession, if any, with the vendee becomes absolutely illegal.

4. Keeping the above in view, this Court disposes of the Writ Petition directing the Collector, Malkangir- Opposite Party No.2 in the joint action of the Tahasildar and local IIC, while restoring the possession of the Petitioner from the custody of the vendee involved therein also to bring back to the property in favour of the Petitioner by making appropriate correction in the Record of Right. Entire exercise should be completed at least within a period of one month from the date of communication of this order by the Petitioner.

5. It is made clear that the matter is disposed of at admission stage under bonafide impression of concrete material available on record. Thus while working out the direction, the public authority must ensure that the Tahasildar's observations is not stayed by any appropriate forums as of now. It may be open to the Petitioner to file affidavit making it clear that private Opposite Parties have not undertaken any further legal exercise involving the order taking advantage.

6. Free copy of this order be handed over to learned State Counsel.

(Biswanath Rath)
Judge

Swarna