

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26418 of 2022

Debaraj Mohanty

....

Petitioner(s)

Ms. S. Biswal,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Ghose,
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
16.11.2022**

Order No.

03.

1.

This Writ Petition involves the following prayer:-

“The petitioner, therefore, prays that this Hon’ble Court be graciously pleased to admit the Writ Application and issue a Rule NISI calling upon the3 opposite parties to show cause as to why a writ of mandamus or any other appropriate writ or writs shall not be issued;

- (i) Permission to sale out Army Lessee land of Baladiabandha, Dhenkanal pertaining to Khata No.436/162, Plot No.1515/1947, Kisam-Patita, area extending to Ac.2.790 decimals;
- (ii) If the opposite parties fail to show cause or show insufficient cause to make the Rule absolute;
- (iii) And to pass such other order / orders and to issue such other writ / writs as would afford complete reliefs to the petitioner;”

2. In course of submission in reference to the communication of the Revenue Section at page 46 of the brief, argument has been advanced by the learned State Counsel that the Office of the Revenue Section is not in receipt of any such application at the instance of the Petitioner for permission to sale the army lease land. It is, at this stage of the matter learned counsel for the Petitioner relying on other documents attempted to establish that there has been submission of request by the Petitioner and accordingly learned counsel for Petitioner submitted that there should not be much emphasis on the information provided by the learned State Counsel.

3. Considering the rival contentions of the parties, without entering into the controversies as to whether the competent authority has received the letter at the instance of the Petitioner or not and for the query of this Court as to what provision requires permission to sale the army lease land, learned counsel for the Petitioner is unable to produce any such provision. This Court observes, provided there is no restriction in the sale of the army lease land, there is no room for obstruction in sale of such land. In the event there is dire necessity for permission to sale the army lease land, it may be open to the Petitioner to file application before the competent authority for the competent authority passing a lawful order in the matter.

4. With the above observation the writ petition stands disposed of.

(Biswanath Rath)
Judge