

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.26528 OF 2022

Prafulla Deo and others

....

Petitioner(s)

Mr.N.K.Sahoo,Adv.

-versus-

State of Odisha and others

....

Opposite Party(s)

Mr.S.Ghose,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
14.10.2022

Order No.

01.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves an allegation that the grandparent and the parent having died, next generation having offered the land rent involving recorded land in favour of the grandparent, the Tahasildar, Sukinda is declining to accept rent on the premises that the ownership of the land is not changed in their favour.
3. Considering the rival contentions of the Parties, this Court opines in the event the property continues in the name of the grandparent and there is establishment of fact that the Petitioners are the grand children by production of legal heirs certificates, there should not be any obstruction in respect of the collection of revenue, such action if entertained, there will surely loss of revenue to the State. So far Petitioners prayer for necessary correction in the Record of Right is concerned, it may be open to the Petitioners to bring proper application in proper format for disposal of the Tahasildar, Sukinda and/or under Section 15(b) of the O.S.S. Act by the competent

authority. In disposal of the Writ Petition, this Court directs the Opposite Party No.2 to find out through the legal heirs certificate on the establishment of hereditaryship involving the grandchildren involving the property involved therein. If it is satisfied, the Tahasildar, Sukinda ought to accept the rent from the Petitioners by issuing rent receipts.

(Biswanath Rath)
Judge

Swarna

