

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 36186 OF 2021

Sanatan Jena

....

Petitioner

Mr. Niranjana Panda, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
10.01.2022

Order No.

2. 1. This matter is taken up through video conferencing mode.
2. The Petitioner in this writ petition seeks for a direction to the Tahasildar, Vyasanaagar to exercise the power under Section 23 of the Odisha Land Reforms Act, 1960 and to deliver vacant possession of the property in Plot Nos.485 and 748 under Khata No.147/49 and Plot No.746 under Khata No. 93 situated in mouza Salaba under Vyasanaagar Tahasil in the district of Jajpur to the Petitioner.
3. Mr. Panda, learned counsel for the Petitioner submits that although an application under Section 23 of the O.L.R. Act was filed in OLR Case No. 2 of 1999 to deliver vacant possession of the aforesaid land in favour of the Petitioner, but the Tahasildar, Vyasanaagar disposed of the said OLR Case directing the parties to take shelter in proper forum and to wait till finalization of W.P.(C) No. 27223 of 2017. He further submits that W.P.(C) No.27223 of 2017 has already been disposed of as withdrawn since 3rd July, 2019.
4. On verification of the record in W.P.(C) No.27223 of 2017, it appears that the said writ petition has already been disposed of as withdrawn vide order dated 3rd July, 2019.

5. Mr. Mishra, learned Additional Standing Counsel submits that since W.P.(C) No. 27223 of 2017 has already been disposed of as withdrawn, the Tahasildar, Vyasaganar should reconsider the OLR Case No. 2 of 1999 afresh giving opportunity of hearing to the parties concerned.

6. In view of the submissions made by learned counsel for the parties, this Court is of the considered opinion that OLR Case No.2 of 1999 filed under Section 23 of the O.L.R. Act needs fresh adjudication by the Tahasildar, Vyasaganar.

7. Accordingly, this writ petition is disposed of with a direction that on production of an authenticated copy of this order along with copy of order dated 3rd July, 2019 passed in W.P.(C) No. 27223 of 2017 within a period of two weeks hence by the Petitioner, the Tahasildar, Vyasaganar shall reopen the OLR Case No. 2 of 1999 and dispose of the same in accordance with law giving opportunity of hearing to the parties concerned.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website at par with certified copy subject to attestation by the concerned Advocate in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(K.R. Mohapatra)
Judge

bks