

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.38967 of 2021

Antaryami Pattnaik* *Petitioners

*Mr. A.P. Bose,
Advocate*

-versus-

State of Odisha & others* *Opp. Parties

*Mr. A.R. Dash,
Additional Government Advocate*

**CORAM:
JUSTICE BISWAJIT MOHANTY
JUSTICE K.R. MOHAPATRA**

**ORDER
04.01.2022**

Order No.

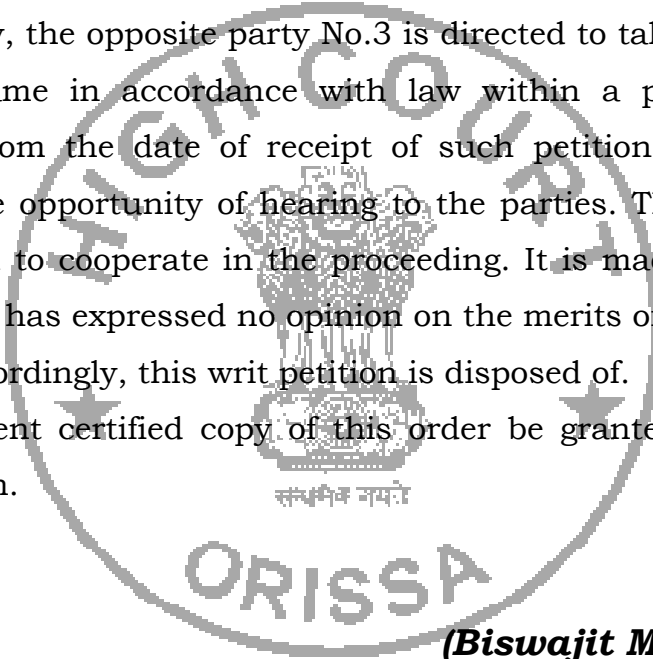
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1. This matter is taken up through video conferencing mode.
 2. Heard Mr. A.P. Bose, learned counsel for the petitioner and A.R. Dash, learned Additional Government Advocate.
 3. According to Mr. Bose, the petitioner is aggrieved by the order dated 30.09.2002 by which, the Additional Tahasildar, Jatni (opposite party No.3) has cancelled the lease of opposite party No.6 with regard to Plot No.502/1315, Khata No.282/308 Ac.0.100 decimals in mouza Ognlpada in the district of Khurda thereby taking the same into Government khata without notice to the petitioner, who at present is the rightful owner of the said property pursuant to a series of sale transactions. He submits that the original lessee-opposite party No.6 sold the above noted property by way of registered sale deed under Annexure-4 dated 21.01.1987 to opposite party No.7, who in turn sold it to the petitioner by a registered sale deed under Annexure-5 on 07.07.1989. According to him, before passing the impugned order, notice was only issued to the original lessee namely, Benu

Dihudi (opposite party No.6) and none else and opposite party No.6 did not appear as he has already disposed of the such land. He further submits that even during the spot enquiry, petitioner was not noticed.

5. Considering the submission made, since the impugned order has been passed without issuing notice to the petitioner as contended by Mr. Bose, we permit the petitioner to file a recall petition before the Additional Tahasildar, Jatni (opposite party No.3) for recalling the impugned order dated 30.09.2002 passed in resumption case No.161 of 2002 arising out of W.L. Lease Case No.1247 of 1976. In the event, such a recall petition is filed along with a copy of this order within a period of three weeks from today, the opposite party No.3 is directed to take a decision on the same in accordance with law within a period of six months from the date of receipt of such petition after giving reasonable opportunity of hearing to the parties. The petitioner is directed to cooperate in the proceeding. It is made clear that this Court has expressed no opinion on the merits of the case.

6. Accordingly, this writ petition is disposed of.

7. Urgent certified copy of this order be granted on proper application.



(Biswajit Mohanty)
Judge

Prasant

(K.R. Mohapatra)
Judge