

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 40095 OF 2021

Bisakha Naik

.... ***Petitioner***

Mr. Ramakanta Mohanty

being assisted by

Ms. Sumitra Mohanty, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***

Mr. Swayambhu Mishra,

Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
21.02.2022

Order No.

3. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Tahasildar, Sadar, Sundargarh-Opposite Party No. 3 to settle the land in Plot No. 127/1185 under Khata No. 185 situated in Mouza Bhawanipur to an extent of Ac. 0.05 dec.(for short, 'case land') in his name.
3. Mr. Mohanty, learned Senior Advocate appearing for the Petitioner submits that the Petitioner being a land less person had applied for settlement of a piece of Government land in her name and accordingly Lease Case No. 200 of 2016 was initiated on the file of Tahasildar, Sadar, Sundargarh. The said lease case being dismissed, the Petitioner preferred OGLS Appeal No. 36 of 2017 before the Sub-Collector, Sadar, Sundargarh. Considering the matter from its proper perspective, the Sub-Collector, Sadar, Sundargarh-Opposite Party No.

2, vide his order dated 22nd June, 2018, allowed the appeal directing the settle case land in favour of the Petitioner.

4. Mr. Mohanty, learned Senior Advocate submits that although the order was passed in the year 2018 and the matter is pending before the Tahasildar, Sadar, Sundargarh-Opposite Party No. 3, he is not taking any action to comply with the order passed by Sub-Collector, Sadar, Sundargarh. Thus, finding no alternative the Petitioner has filed this writ petition.

5. Mr. Mishra, learned Additional Standing Counsel on the instruction submits that the Petitioner is not entitled to be recorded with an area of Ac. 0.46 dec., as directed by the Sub-Collector, Sadar, Sundargarh. She being the land less lady is only entitled to be recorded with Ac. 0.04 dec. of land. Thus, the Tahasildar, Sadar, Sundargarh is taking steps to assail the order under Annexure-1 in revision by obtaining certified copy of the same.

6. Taking into consideration the submissions made by learned counsel for the Parties, this Court finds that the order under Annexure-1 directing to record the case land in favour of the Petitioner has not yet been challenged. It further appears that the Sub-Collector, Sadar, Sundargarh, upon hearing learned counsel for the parties passed the impugned order under Annexure-1. The impugned order was passed on 22nd June, 2018. Thus, in the garb of a contemplated revision, the Tahasildar, Sadar, Sundargarh cannot keep the matter pending for years together.

7. In view of the above, this Court directs the Tahasildar, Sadar, Sundargarh to work out the order under Annexure-1 as expeditiously as possible preferably within a period of one month from the date of

production of certified copy of this order, which shall be subject to any order to be passed by Higher Authority/Court in accordance with law.

Accordingly, this writ petition is disposed of with the observation and direction as aforesaid.

Issue urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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