

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) NO. 40385 OF 2021**

***Rukmani Sahoo and another*** ..... ***Petitioners***  
Mr. Prafulla Kumar Kar, Advocate  
-versus-  
***The Tahasildar, Simulia and another*** ..... ***Opp. Parties***  
Mr. Swayambhu Mishra,  
Additional Standing Counsel

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

**Order No.**

**ORDER**  
**11.01.2022**

1. This matter is taken up through video conferencing mode.
2. The Petitioners in this writ petition pray for a direction for early disposal of Chaka Permission Case No.28 of 2021 pending before the Tahasildar, Simulia under Section 34(3) of the O.C.H. & P.F.L. Act, 1972 (for short 'the Act').
3. Mr. Kar, learned counsel for the Petitioners submits that due to legal necessity, the Petitioners sought for permission to alienate a fragment of Chaka No.271, Plot No.1207 under Khata No.91 in mouza Gaudapada under Simulia Tahasil in the district of Balasore to the contiguous owner, namely, Sushanta Nayak, Opposite Party No.2. The said application was registered as Chaka Permission Case No.28 of 2021. Although time limit stipulated for disposal of the said application is 45 days, the Tahasildar, Simulia is not taking any step for early disposal of the same for which the Petitioners are seriously prejudiced. He further submits that the enquiry as required has already been conducted and there is no legal impediment for early disposal of the said permission case. Hence, the Petitioners

finding no other alternative have filed this writ petition for the aforesaid relief.

4. Mr. Mishra, learned Additional Standing Counsel submits that he has no instruction in the matter. However, if the application under Section 34(3) of the Act for permission to alienate a fragment of Chaka Plot is still pending before the Tahasildar, Simulia in Chaka Permission Case No.28 of 2021, a direction may be made to dispose of the same in accordance with law at an early date.

5. In view of the submissions of learned counsel for the parties, this Court without expressing any opinion on the merits of the case disposes of this writ petition with a direction that on production of an authenticated copy of this order before the Tahasildar, Simulia-Opposite Party No.1 within a period of two weeks hence, he shall take up Chaka Permission Case No.28 of 2021 and shall make an endeavour to take a decision on the same as expeditiously as possible preferably within a period of four weeks therefrom giving opportunity of hearing to the parties concerned.

6. 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 25<sup>th</sup> March, 2020, modified by Notice No.4798 dated 15<sup>th</sup> April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7<sup>th</sup> January, 2022.

**(K.R. Mohapatra)**  
**Judge**