IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.23757 of 2025
CNR No. ODHC010599192025

Gobinda Chandra Mallick ..... Petitioner

Represented by Adv. –
Mr.Arjuna Charana Behera

-versus-

State Of Odisha and others ..... Opposite Parties

Represented by Adv. –
Mr. S.N. Patnaik, AGA

CORAM:
MR. JUSTICE SASHIKANTA MISHRA

ORDER
19.11.2026

Order No. 04

1. This matter is taken up through hybrid mode.

2. The petitioner has approached this Court with the following prayer:

> *"Therefore, it is respectfully prayed that this Hon'ble Court may graciously be pleased to Admit this Writ Petition, issue rule Nisi for calling upon the opp. Parties for show cause as to why the impugned order will not be quashed and why a direction will not be given to the Sub - Collector, Sadar, Cuttack for issuance of permission afresh to the petitioner in order to sale his own ancestral property. This Hon'ble Court be pleased to make its rule absolute if the said opp. Parties fail to submit sufficient cause or show insufficient cause and after hearing from the parties, this Hon'ble court may direct in the writ of Mandamus to the opp. parties particularly Opp. party No. 5 (Sub- Collector Sadar, Cuttack) for granting permission to the petitioner to sale his own land in favour general person as per Section 22 of the OLR Act. within a stipulated time by setting aside the order dtd.15.12.2023, passed by Sub - Collector, Sadar, Cuttack in Revenue Misc. case No. 08 of 2023 and order dtd. 25.03.2025 passed by A.D.M. Cuttack in Revenue Misc. Appeal No. 01 of 2024 for the interest of justice unless the petitioner will be suffered irreparable loss and his survival cannot be imagined.*
>
> *This Hon'ble Court be pleased to pass any order(s) may direct any direction as this Hon'ble Court may deem fit just and proper in this case.*
>
> *And for this act of kindness the petitioner as in duty bound shall ever pray."*

3. Intending to sell his property, the petitioner, being a member of the Schedule Caste Community, submitted an application for permission under Section 22 of the OLR Act before the Sub-Collector, Sadar, Cuttack, registered as Revenue Misc. Case No.8 of 2023. Said case however was rejected by order dated 15.12.2023 observing that the Tahasildar, Cuttack had not reported about availability of balance land of the applicant after sale of the proposed land and also about sustenance of his family. The petitioner carried appeal to the ADM, Cuttack. By order dated 25.03.2025, which is impugned, the ADM passed more or less the same order observing that the relevant information regarding availability of balance land after the proposed sale is not available.

4. In the counter affidavit filed by the State, the report of the Tahasildar dated 10.05.2023 is enclosed, wherein it is clearly stated that the petitioner will have balance land after sale of the property and his annual income is Rs.60,000/- per annum from daily wage.

5. Since the impugned order was passed in the absence of the enquiry report of the Tahasildar and on the presumption that no balance land would be available after proposed sale of the land, this Court is of the view that the matter needs to be heard afresh taking note of the enquiry report of the Tahasildar.

6. The writ petition is therefore, allowed. The impugned order is set aside. The matter is remitted to the Sub-Collector to hear the case afresh after taking note of the aforementioned enquiry report submitted by the Tahasildar in the proper perspective. The case should be disposed of within four weeks from the date of production certified copy of this order by the petitioner.

(Sashikanta Mishra)
Judge

Signature Not Verified
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Signed by: AJAYA KUMAR RANA
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 19-Nov-2026 19:09:29