Signature Not Verified
Digitally Signed
Signed by: ROJALIN NAYAK
Designation: Senior Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 06-Nov-2026 14:04:04

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.30859 of 2026
ODHC010730442026

Daitari Behera .... ***Petitioner***

Represented by
Mr. Pronoy Mohanty, Advocate

-Versus-

State of Odisha and others .... ***Opp. Party***

Represented by
Mr. S.N. Pattanaik, AGA

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
05.11.2026

Order No.
03.

1. This matter is taken up through hybrid mode.

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

> *"It is therefore, prayed that this Hon'ble Court may graciously be pleased to issue Rule Nisi, in the nature of a writ of CERTIORARI and/or MANDAMUS and/or any other appropriate writ/writs, direction/directions and order/orders, calling upon the Opp. Parties to show cause, as to why the impugned order dated 24.02.2026 passed by the O.P. No.3, Sub-Collector, Bhubaneswar in Revenue Misc Case No. 167 of 2022 (Annexure-4) shall not be quashed;*
>
> *AND*
>
> *Consequently, to reconsider the application of the Petitioner vide Annexure-2, U/s.22 of the OLR Act, 1960 afresh, taking into consideration the Income Certificate vide Annexure-5;*
>
> *AND*
>
> *Further be pleased to command/direct the Opposite Parties, particularly Opposite Party No.4, to accord necessary permission to the Petitioner U/s.22 of the OLR Act, 1960 for transfer of the scheduled property as per Rok vide Annexure-1 within a particular time;*
>
> *AND*

Signature Not Verified
Digitally Signed
Signed by: ROJALIN NAYAK
Designation: Senior Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 06-Nov-2026 14:04:04

If the Opp. Parties fails to show cause and/or show insufficient and/or false cause, make the said Rule Nisi absolute;

AND/OR, pass any other order as deemed proper; And for this act of kindness, the petitioner shall as in duty bound ever pray."

3. The Petitioner's application for grant of permission under Section 22 of the OLR Act, 1960 for sale of the property was originally rejected by the Competent Authority against which he preferred Appeal being OLR Appeal No.03 of 2022 before the ADM, Bhubaneswar. The said Appeal came to be disposed of by remanding the matter to the Sub-collector, Bhubaneswar for disposal afresh. Against such dismissal, the Petitioner approached this Court in W.P.(C). No.18557 of 2024. Vide order dated 12th March, 2025, this Court directed the Sub-Collector, Bhubaneswar to dispose of the case expeditiously. Pursuant to the order of remand, the Sub-Collector, Bhubaneswar again rejected the application on the ground that the Petitioner's annual income is Rs.2,20,000/-. The Petitioner has challenged the said order in the present Writ Petition specifically contending that the finding regarding his annual income is factually incorrect. As to the Income Certificate issued in his favour by the Revenue Officer on 3rd October, 2023, his annual income from all sources is mentioned as Rs.4,81,000/-. It is submitted by Mr. Mohanty, learned counsel for the Petitioner that even though the Income Certificate was produced before the Sub-Collector, Bhubaneswar, the same was not considered.

4. Mr. Pattanaik, learned AGA submits that the Income Certificate is of the year 2023-2024 and it cannot be treated as proof of his present income.

5. Without entering into the controversy, this Court deems it proper to set aside the impugned order dated 24th February, 2026

Signature Not Verified
Digitally Signed
Signed by: ROJALIN NAYAK
Designation: Senior Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 06-Nov-2026 14:04:04

(Annexure-4) and remand the matter for fresh hearing granting opportunity to the Petitioner to submit his up-to-date Income Certificate before the Sub-Collector, Bhubaneswar. On such Certificate being submitted, the Sub-Collector, Bhubaneswar shall decide the matter afresh taking note of the current annual income of the Petitioner. It goes without saying that proper opportunity of hearing shall be granted to the Petitioner.

6. The matter shall be disposed of within two months from the date of production of certified copy of this order.

7. Urgent certified copy of this order be granted as per rules.

(Sashikanta Mishra)
Judge

Rojalin