
(2022) 12 OHC CK 0152
In the Orissa High Court
Case No : Writ Petition (C) No.793 Of 2014

Amarjyoti Educational Trust	Vs	APPELLANT
State Of Odisha And Others		RESPONDENT

Date of Decision : 19-12-2022

Acts Referred:

Citation : (2022) 12 OHC CK 0152

Hon'ble Judges : Arindam Sinha, J;S.K. Mishra, J

Bench : Division Bench

Advocate : Manoj Kumar Mishra, A. K. Sharma, Jaganath Patnaik

Final Decision : Disposed Of

Judgement

1. Mr. Mishra, learned senior advocate appears on behalf of petitioner-Trust. He submits, his client is occupying premises in Sector-17, Rourkela. The Steel Plant is lessee in respect of the land. His client seeks sub-lease from the Steel Plant. The premium is to be determined by the Government. He draws attention to letter dated 28th December, 2017 issued by the Tahsildar informing requisitions for allotment of land in favour of his client.

2. Mr. Patnaik, learned advocate appears on behalf of the Steel Plant. He draws attention to letter dated 18th December, 2012 from Additional District Magistrate. Relied upon passage of the letter is extracted and reproduced below.

"xx xx xx However, the government in Revenue Department decided not to grant sub-lease at concessional rate/free of premium as recommended by the Sub-Lease Committee and accordingly the SAIL authorities had issued demand notice to Amarjyoti Educational Trust and directed to pay the land premium at the prevailing rate i.e. Rs.40,54,000/-."

3. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State. On query from Court he submits, on direction made State will consider petitioner's claim for having sub-lease at concessional rate. Mr. Mishra

submits said opposite party should also consider letter dated 28th September, 2011 issued by the District Magistrate and Collector to the Under Secretary to Government, Revenue Department.

4. Opposite party no.1 is directed to consider petitioner's prayer for having sub-lease at concessional rate of premium. We make this direction because it appears from aforesaid letter dated 18th December, 2012 that the Government in Revenue Department vide letter dated 27th August, 2005 had requested the Collector to submit views on representation of the Trust and that petitioner had again approached the office and submitted representation.

5. Decision to be taken by opposite party no.1 must be informed to petitioner and the Steel Plant by four weeks of communication. Interim order will continue till two weeks after decision is made known to them.

6. The writ petition is disposed of.

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