

(2023) 03 OHC CK 0104

In the Orissa High Court

Case No : Writ Petition (C) No. 1948 Of 2023

Dambarudhar Dash And Others

APPELLANT

Vs

Tahasildar, BBSR And Another

RESPONDENT

Date of Decision : 15-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0104

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

Bench : Division Bench

Advocate : Subrata Mishra, G.N. Rout

Final Decision : Disposed Of

Judgement

1. Mr. Mishra, learned advocate appears on behalf of petitioners and submits, their ancestors were granted lease in respect of the land. There was grievance petition and on it, pursuant to order passed in a writ petition, the Tahsildar made impugned order dated 19th October, 2022 reiterating resumption order dated 20th May, 2002. He submits, there was no notice regarding resumption proceeding terminating in said resumption order dated 20th May, 2002. His clients have paid rent in respect of the land upto period 2021-22.

2. Mr. Rout, learned advocate, Additional Standing Counsel appears on behalf of State and points out from impugned order that lease cancellation order is dated 11th April, 2002. He submits, it cannot be said that petitioners were or are not on notice of said order.

3. Impugned order is clearly reiteration of what had happened before, by order dated 11th April, 2002 said to be order for cancelling the lease and order dated 20th May, 2002 of resumption. As such, impugned order has not decided any right or interest in respect of the land. In the circumstances, petitioners must find remedy against the cancellation and the resumption orders, which have affected their right and interest in the land.

4. With above observation, the writ petition is disposed of.

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