

(2023) 04 OHC CK 0098
In the Orissa High Court
Case No : Writ Petition (C) No. 10010 Of 2023

Deepak Kisan

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 10-04-2023

Acts Referred:

Orissa Land Reforms Act, 1960 — Section 22

Citation : (2023) 04 OHC CK 0098

Hon'ble Judges : Biswanath Rath, J

Bench : Single Bench

Advocate : S.Mohanty, S.Ghose

Final Decision : Disposed Of

Judgement

Biswanath Rath, J

1. Heard learned counsel for the Parties
2. Undisputedly on the application of the Petitioner under Section 22 of the O.L.R. Act, request of the Petitioner for permission has been allowed but the allowing of the permission was time framed and the allowing order was required to be executed within three months from the date of order. It is on the premises of illness with the Petitioner, the order at Annexure-2 could not be executed and as an outcome the Petitioner was compelled to file an application for extending the time stipulation in the order at Annexure-2, such application being rejected at Annexure-5 of the Page 18 of the Brief. Such application has been rejected on the ground that the applicant approached the Authority after gap of three years nine months.
3. It is in this circumstance and after going through both the orders i.e. allowing permission and rejection, this Court finds, there was inordinate delay in asking the Authority to extend. In the event the Petitioner was so ill and period stretched to three years, this Court finds surprise what prevented the Petitioner in making a fresh application under Section 22 of the O.L.R. Act for giving fresh

consideration to the request of the Petitioner. Even though this Court declines to interfere with the impugned order at Annexure-5 at page-18 observed, rejection of the Writ Petition should not stand on the way of the Petitioner in bringing a fresh application under Section 22 of the O.L.R. Act. In the event such application shall be filed, the same be considered lawfully but without being influenced by any other observation at the Annexure-5 order dated 13.03.2023 and at the same time while keeping in view the allowing of the request of the Petitioner vide Annexure-2.

4. With this observation, this Writ Petition stands disposed of.

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