

(2023) 01 OHC CK 0040

In the Orissa High Court

Case No : Writ Petition (C) No. 20117 Of 2022

Janaki Ray Bagel Babu

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 11-01-2023

Acts Referred:

Odisha Government Land Settlement Act, 1962 — Section 3(1)(a)

Citation : (2023) 01 OHC CK 0040

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

Bench : Division Bench

Advocate : B. Bhuyan, G.N. Rout, A. Routray

Judgement

1. Mr. Bhuyan, learned advocate appears on behalf of petitioner and submits, his client is a widow. Originally there was lease granted in respect of the land, under Odisha State Urban Land Settlement Rules, 1959. The lessee obtained permission to mortgage the land to Odisha State Financial Corporation (OSFC). The lessee could not repay the mortgage debt. There was foreclosure and transfer of the lease hold right to husband of his client. There stands a dilapidated structure on the land, which was a hotel made by original lessee. His client being unable to repair the structure, had by representation dated 8th February, 2021 sought permission to transfer the lease hold right. Impugned order dated 28th June, 2022 was made by Additional District Magistrate threatening resumption unless the lease land is made suitable for house site within three months from date of receipt of it. He submits further, the resumption has been threatened under clause-(a) in sub-section (1) of section 3 in Odisha Government Land Settlement Act, 1962.

2. Mr. Rout, learned advocate, Additional Standing Counsel appears on behalf of State. On query from Court as to how the authority has invoked provisions in the Act of 1962, he prays for adjournment.

3. Mr. Routray, learned advocate appears on behalf of OSFC.

4. List on 25th January, 2023. Interim order to continue till next date of hearing.

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