
(2022) 08 OHC CK 0038
In the Orissa High Court
Case No : Writ Petition (C) No. 809 Of 2010

Nidhi Parida And Others

APPELLANT

Vs

State Of Orissa And Others

RESPONDENT

Date of Decision : 03-08-2022

Acts Referred:

Citation : (2022) 08 OHC CK 0038

Hon'ble Judges : Dr. S. Muralidhar, CJ; R. K. Pattanaik, J

Bench : Division Bench

Advocate : Deepali Mohapatra, Debakanta Mohanty, J.R. Dash

Final Decision : Disposed Of

Judgement

1. The fifty Petitioners who are the residents of Astaranga of District Puri have approached this Court for a direction to the Opposite Parties-State to renew the lease in respect of Ac.120.00 dec. of land in Sabak Khata Nos.4 & 5, Plot Nos.11 & 12 corresponding to Hal Khata Nos.451, 408/471 and 408/473 of Mouza- River Block P.S. Kakatpur in the district of Puri in their favour. The Petitioners claim that the land in question was leased out way back in 1967 in favour of the Petitioners to cultivate it as "char land". Their claim is that the lease was granted in Lease Case No.69/76-77 and 8/1 of 1977-78.

2. On 19th January, 2010 while directing notice to issue in the present petition, status quo was ordered and that has continued since then.

3. By an order dated 4th April 2018, this Court had called for the original record in Temporary Lease Case No.210 of 1990 from the Office of the Tahasildar, Kakatpur. Mr. Debakanta Mohanty, learned Additional Government Advocate states that the said record is still not available with him.

4. In response to the petition, a counter affidavit has been filed by the Tahasildar, Astaranga on 20th September 2010, inter alia contending that the documents relied upon by the Petitioners were not genuine documents and appeared to be

'forged, fabricated and manipulated documents'.

5. In the meanwhile, a group of sixty villagers from the same village, Astaranga have claimed that they are the rightful lessees of the lands in question and they have filed I.A. No.1952 of 2019 in the present petition. Ms. Deepali Mohapatra, learned counsel appearing for the Petitioners contends that the interveners had earlier approached this Court with W.P.(C) No.21831 of 2016 which according to her was rejected by the learned Single Judge. However, learned counsel for the Interveners contends that they were in fact permitted to be heard before the Tahasildar. Neither of them has a copy of the said order.

6. Considering the above factors, the Court directs as under:

(i) The Sub-Collector, Puri will examine the entire matter and after hearing the Petitioners as well as the sixty Interveners in I.A. No.1952 of 2019 and verifying the lease case records including the record of the Temporary Lease Case No.210 of 1990 pass fresh orders.

(ii) For this purpose, the Petitioners as well as the Interveners will appear before the Sub-Collector, Puri on 19th September, 2022. The Sub-Collector will then after hearing them and examining the records pass a fresh order within a period of four months thereafter. Till such time, the status quo order passed by this Court on 19th January, 2010 shall continue.

(iii) The Court clarifies that it has not expressed any view in the matter.

7. The writ petition is disposed of in the above terms.

.....