

(2022) 10 OHC CK 0133
In the Orissa High Court
Case No : Writ Petition (C) No. 26920 Of 2022

Padma Nayak

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 26-10-2022

Acts Referred:

Odisha Government Land Settlement Act, 1962 — Section 3(1)(e), 3(2), 3(3)

Citation : (2022) 10 OHC CK 0133

Hon'ble Judges : Arindam Sinha, J; Sanjay Kumar Mishra, J

Bench : Division Bench

Advocate : D.K. Mohapatra, T. Pattanaik

Judgement

1. Mr. D.K. Mohapatra, learned advocate appears on behalf of petitioner and submits, his client's father constructed thatched house on Government land and after him, she has been residing therein. The construction was made in year 1965. The land is situated within territorial jurisdiction of Bhubaneswar town. Revenue along with penalty were collected in respect of the land since year 1985. He submits, impugned is, inter alia, order dated 12th January, 2018 made by the Director of Estates and Ex-Officio Addl. Secretary to Government, rejecting his client's application for settlement of land in her favour. Purported ground alleged is absence of provision under the Land Grant Policy, 2015, to settle Government land in name of private individual.

2. He relies on section 3(1)(e), (2) and (3) in Odisha Government Land Settlement Act, 1962 to submit, settlement can be made. There be direction upon the authority to do so.

3. Mr. Pattnaik, learned advocate, Additional Standing Counsel appears on behalf of State.

4. State is required to inform Court by issuing instruction or by filing affidavit as to whether land in Bhubaneswar town has been settled upon private persons pursuant to authorization under section 3(1)(e). The affidavit will be accepted on

returnable date upon advance copy served.

5. List on 9th November, 2022

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