
(2023) 01 OHC CK 0060
In the Orissa High Court
Case No : Writ Petition (C) No.659 Of 2021

Pitei Samartha & Others

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 13-01-2023

Acts Referred:

Citation : (2023) 01 OHC CK 0060

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

Bench : Division Bench

Advocate : Abhishek Dash, G.N. Rout, S.K. Sahoo

Final Decision : Disposed Of

Judgement

1. Mr. Dash, learned advocate appears on behalf of petitioners and with reference to order dated 4th January, 2023, prays for hearing and order.

2. Mr. Rout, learned advocate, Additional Standing Counsel appears on behalf of State and submits, instructions have been received from Under Secretary to Government, Revenue and Disaster Management Department that the matter regarding two sale deeds both dated 5th June, 2020 is responsibility of Bhubaneswar Municipal Corporation (BMC).

He hands up copy of letter dated 7th January, 2023 from Under Secretary to Government to the Commissioner, BMC. We reproduce below, text of the letter.

"In enclosing herewith the letter no.636 dated 05.01.2023 of Addl. Standing Counsel, O/o the Advocate General, Odisha, Cuttack to the subject cited above, I am directed to say that you have been authorized to deal the matter and defend the case on behalf of the Additional Chief Secretary to Government, Revenue & DM Department in consultation with the Additional Standing Counsel under intimation to this Department.

This may be treated MOST URGENT."

3. Mr. Sahoo, learned advocate appears on behalf of BMC and on query from Court regarding payment of balance consideration amount as noted by coordinate Bench on order dated 24th March, 2021, referred to in our earlier order he submits, brother of petitioner, since deceased has raised dispute with his client's Settlement Officer. Otherwise, his client is willing to make the payment.

4. We have perused said sale deeds dated 5th June, 2020. Vendor therein is petitioner, since deceased. As on date of the sale deed vendor was 88 years old. His widow, son, daughters and two grandsons from pre-deceased daughter are substituted petitioners. They are class-I heirs and covered under definition of vendor in the deeds.

5. Adjournment is granted for BMC to issue instructions for adjudication and orders to be made on the writ petition.

6. List on 2nd February, 2023.

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