

(2023) 02 OHC CK 0011

In the Orissa High Court

Case No : Writ Petition (C) No.1979 Of 2023

Pluto Plaza Private Limited, Rourkela

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 03-02-2023

Acts Referred:

Citation : (2023) 02 OHC CK 0011

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

Bench : Division Bench

Advocate : B. Mohanty, A.K. Sharma

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Mohanty, learned advocate appears on behalf of petitioner and submits, impugned is order dated 16th May, 2022 made by the Additional District Magistrate rejecting his client's application for conversion of leasehold to ownership. He submits, his client duly applied for conversion. After the application was admitted, by impugned order there was rejection on reliance of Schedule VI appended to Odisha Government Land Settlement Rules, 1983. He draws attention to clause 1(d) and submits, provision thereunder does not bar conversion of lease granted for commercial purpose. Without prejudice he submits, when the Government has provided for conversion of residential plots, in not doing so in respect of commercial plots is discrimination made between the plot holders.

2. Petitioner has obtained leasehold interest in the land for commercial purpose. We have ascertained that is so. Clause 1(c) in the Schedule is reproduced below.

"(c) The conversion shall be applicable only in respect of land for which the land use specified in the lease-dead/allotment letter is for homestead/residential."

3. There is no dispute that the land is government land. Government is lessor.

Petitioner by the lease has acquired some interest in the land. Purpose of the lease is commercial. Government being lessor had decided to allow conversion only in respect of leasehold interest granted for homestead/ residential purpose. That is the Government's prerogative. It cannot be compelled to also do so in respect of leases for commercial purpose. It cannot be said that thereby there has been discrimination between two categories of people, those who are lessees for homestead/residential purpose and others, who are lessees for commercial purposes. Petitioner being a company cannot complain of discrimination in relation to lessees for homestead/residential purposes since, those lessees are necessarily natural persons. There is no discrimination here.

4. The writ petition is found to be without merit. It is dismissed.

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