

(2026) 01 OHC CK 1782

In the Orissa High Court

Case No : Writ Petition (C) No. 32396 Of 2025

Priyambada Mohapatra

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 13-01-2026

Acts Referred:

Citation : (2026) 01 OHC CK 1782

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : A.C.Panda, S.S.Routray

Final Decision : Allowed

Judgement

Sashikanta Mishra, J

1. The petitioner is aggrieved by the order dated 22.07.2022 passed by the Asst. Settlement Officer (Rental Colony, Bhubaneswar) in Rent Objection Case No. 39 of 2019.

2. Bereft of unnecessary details, the facts of the case are that the property in question was leased out to one Sailabala Mishra vide WLL Case No. 517/1970. The property was also mutated subsequently in her favour and ROR was issued. The lessee, after obtaining necessary permission from the competent authority vide Misc. Case No. 31 of 1980, sold away a portion of the property measuring Ac. 0.088 decimals to one Rajalaxmi Mohanty vide RSD No. 3022 dated 27.04.1981. Said Rajalaxmi Mohanty alienated the land in favour of Anusuya Mohanty vide RSD dated 07.08.1982. The petitioner purchased the property from said Anusuya Mohanty vide RSD dated 05.07.2005. The petitioner subsequently converted the purchased land from agricultural to Gharabari in OLR Misc. Case No. 8484 of 2009, which was duly intimated to the ASO in Form-K. The petitioner thereafter constructed her residential house over the purchased plot. The Misc. Case in question was initiated pursuant to order dated 13.08.2019 passed by this Court in W.P.(C). No. 13561 of 2019. In the meantime, a Parcha was issued in

favour of the petitioner but subsequently, the land was shown in the Government Khata. The petitioner approached this Court in W.P.(C). No. 13561 of 2019, which was disposed of directing the Asst. Settlement Officer to ascertain as to whether the lease still exists or the same was cancelled by the Government before recording of the land in the name of the petitioner. Accordingly, the Misc. Case in question was initiated by the Asst. Settlement Officer on 06.09.2018. The petitioner was represented by her husband on different dates and pursuant to direction of the authority also filed the relevant documents. Ultimately, by order dated 22.07.2022, the Asst. Settlement Officer observed that the petitioner is not cooperating with the Court being absent for more than five times. It was also observed that the petitioner could not produce the lease sanction order of the Tahasildar, trace map and lease confirmation order and therefore, the authority was not inclined to 'alienate' the land from the Government Khata in absence of relevant lease documents.

3. Heard Mr. A.C.Panda, learned counsel for the petitioner and Mr. S.S.Routray, learned Additional Standing Counsel.

4. Mr. Panda would submit that the petitioner has produced all relevant documents but there was no direction to produce the lease sanction order, trace map and confirmation order. The petitioner cannot also be blamed for non-furnishing of the lease status or existence report by the ADM and Tahasildar. That apart, the Asst. Settlement Officer has not recorded any reasons for not being inclined to alienate the land from the Government Khata.

5. Mr. S.S. Routray, learned ASC would submit that the petitioner is required to prove her own case and cannot rely upon a weakness or inaction of the Government authorities.

6. Having perused the entire order sheet of Misc. Case No. 39 of 2019, copy enclosed as Annexure-5, this Court finds that the petitioner was represented by her husband all through. She further claims to have filed all relevant documents pursuant to the order passed on 06.12.2019. As argued by Mr. Panda, the petitioner obviously cannot be blamed for the inaction of the ADM & Tahasildar in filing the lease status or existence report etc. That apart, this Court finds that while not being inclined to record the property in the name of the petitioner by deleting it from the Government Khata, the Asst. Settlement Officer has not recorded any reason whatsoever. It is trite law that an order passed by quasi-judicial authority must be supplied by adequate reasons. As has often been reiterated, reason is the soul of the order. That apart, the documents said to have been filed by the petitioner have not been considered at all. There is nothing in the order sheet to show that the petitioner was ever called upon or directed to file lease sanction order, trace map and confirmation order. The impugned order therefore, is rendered vulnerable on such score and hence, warrants interference.

7. For the foregoing reasons, the writ application is allowed. The impugned order

is set aside. The matter is remitted to the Asst. Settlement Officer to hear the case afresh after granting full opportunity of hearing to the petitioner and by passing a reasoned order. To cut short the delay, the petitioner is directed to appear before Settlement Officer on 28th of this month for fixation of further date of hearing.