

05. 28.02.2019 Heard learned counsel for the petitioner and learned Addl. Government Advocate.

2. The grievance of the petitioner in this Writ Petition is that the land appertaining to Plot No.1343 under Khata No.466 of Mouza – Jagannath Prasad measuring an area of Ac.1.830 decimals was originally leased out in favour of one Sauri Naik by the Tahasildar, Bhubaneswar in W.L Lease Case No.218 of 1975 for agricultural purposes. Thereafter the original lessee being a Scheduled Caste person obtained permission from the competent authority to sell a portion of the aforesaid land in favour of one Bhagaban Rout vide Registered Sale Deed dated 14.12.1982, in order to meet his legal necessity. Subsequently said Bhagaban Rout sold the land in favour of one Nirupama Paltasingh vide Registered Sale Deed dated 01.09.1986. Thereafter Nirupama Paltasingh sold the land to one Ratikanta Behera vide Registered Sale Deed dated 05.11.2007 and Ratikanta Behera sold the land in favour of the petitioner vide Registered Sale Deed dated 08.10.2010. However, the Addl. District Magistrate, Bhubaneswar by order dated 01.02.1986 passed in Lease Revision Case No.495 of 1983 cancelled the lease granted in favour of the original lessee. Though the petitioner is in peaceful possession of the land in question, she apprehends that the authorities may evict her from the said land.

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3. Learned counsel for the petitioner submitted that the petitioner for the first time came to know about initiation of the proceeding under Section 7-A (3) of the Odisha Government Land Settlement Act, 1962 before the Addl. District Magistrate,

Bhubaneswar. The revisional authority without issuing notice to the affected persons issued notice to the original lessee, who has already sold the land with permission. He further submitted that earlier the impugned order was challenged before this Court in O.J.C. No.7031 of 1993, O.J.C. No.4146 of 1993 and W.P.(C) No.22271 of 2012 wherein this Court while quashing the said order remitted the matter back to the Addl. District Magistrate, Bhubaneswar for fresh hearing after giving opportunity of hearing to the parties.

4. Learned Addl. Government Advocate also agreed to the said submission.

5. Considering the fact that the matter has already been remitted to the Addl. District Magistrate, Bhubaneswar for fresh hearing, without expressing any opinion with regard to merits of the case, we dispose of this Writ Petition with an observation that let the petitioner appear before the Addl. District Magistrate, Bhubaneswar and raise her objection, in such event, the revisional authority shall give an opportunity of hearing to the petitioner and dispose of the matter in accordance with law.

The Writ Petition is accordingly disposed of.

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S.Panda, J.

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P.Patnaik, J.

