



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2495 of 2025

Murali Mohan Mallik* *Petitioner

*Mr. Manoj Kumar Panda,
Advocate*

-versus-

***State of Odisha and
others* *Opp. Parties***

*Mr. Jateswar Nayak,
Addl. Government Advocate*

**CORAM:
THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MISS JUSTICE SAVITRI RATHO**

**Order No. ORDER
20.02.2025**

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner Murali Mohan Mallik has filed this writ petition with the following prayers:-

"The petitioner, therefore, most humbly prays that this Hon'ble Court may be graciously pleased to admit this writ petition, issue rule Nisi calling upon the Opp. Parties to show cause as to why the land measuring Ac.1.00 dec., as originally granted lease in favour of the father of the petitioner vide lease case No.485 of 1962-



63 and/or land under consolidation Khata No.420 in which the petitioner is in possession since the time of his father original Lessee, shall not be permanently settled by way of de-reserving the said lands and finalising the Misc. Case No.1/91, within a reasonable time and R.O.R. in respect of the aforesaid land shall not be issued forthwith in favour of the petitioner in the interest of justice.

And in the event the Opp. Parties fail to file any show cause or show insufficient cause, the said rule be made absolute by issuing appropriate writ/writs in the fact and circumstances of this case,

And/or to pass such other order(s), direction(s) as may be deemed just and proper, in the present facts and circumstances of the case,

And for which act of kindness, the petitioner as in duty bound, shall ever pray."

Learned counsel for the petitioner drew the attention of this Court to Annexure-10, which is the order dated 26.04.2018 passed in W.P.(C) No.1772 of 2011, which was filed by the petitioner in which the



learned counsel for the State seems to have filed a counter affidavit, wherein the State Government has admitted about the lease and proposed that out of the exchanged plots, Ac.0.28 decimals of land is available and rest of the land of Ac.0.72 decimals is not available as those are Gochar land and further the State Government has agreed to pay the monetary compensation for Ac.0.72 decimals of land.

This Court disposed of the aforesaid writ petition with the following observation:-

“In view of the arrangement made between State and the petitioner, we are of the view that an area of Ac.0.28 decimals of land in Mouza- Tarapur, as per the counter affidavit of the State, should be allotted in favour of the present petitioner and for rest area of Ac.0.72 decimals of land, monetary compensation as per the prevailing market rent fixed by the Government should be awarded to the petitioner and accordingly we direct so to the opposite parties. The entire exercise be completed within a period of four months from today.”

Learned counsel for the petitioner submits that in spite of such order passed on 26.04.2018, neither the petitioner has been allotted Ac.0.28 decimals of



land in Mouza- Tarapur nor paid monetary compensation for the rest area Ac.0.72 decimals of land as per the prevailing market rent fixed by the Government.

Learned counsel for the State seeks some time to obtain instruction in the matter.

List this matter in the week commencing from 17.03.2025.

(S.K. Sahoo)
Judge

(Savitri Ratho)
Judge

RKM

Signature Not Verified

Digitally Signed
Signed by: RABINDRA KUMAR MISHRA
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 20-Feb-2025 19:22:54

