



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.13977 OF 2009

Jaichand Mahatab

....

Petitioner

Mr. Tapan Mishra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mrs. Jyoshnamayee Sahoo,
Additional Standing Counsel

Mr. Rabi Narayan Behera, Advocate
(For Intervenors)

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

10.07.2026

Order No.

40.

I.A. Nos.16073, 16077 & 16078 of 2022

1. This matter is taken up through hybrid mode.
2. These are applications for intervention filed by Sri Alekha Behera, Sri Chaitanya Sahoo and Sri Ashok Kumar Pani.
3. Mr. Behera, learned counsel for the Intervenor-Applicants submit that while disposing of the writ petition vide order dated 9th May, 2012, this Court gave liberty to the Petitioner and Intervenors therein to file their objection before the Tahasildar, Kujanga for fixation of fair rent. The Intervenor-Applicants in these three interim applications are in possession of a portion of the land in question and they are also entitled to be



heard at the time of fixation of fair rent. Since they were not given liberty to file objection before the Tahasildar, Kujanga pursuant to the order dated 9th May, 2012, these Intervention Applications have been filed to permit them to file objection before the Tahasildar, Kujanga by entertaining their Intervention Applications.

4. Since Intervenor-Applicants namely Sri Alekha Behera, Sri Chaitanya Sahoo and Sri Ashok Kumar Pani were not parties to the writ petition, which was disposed of vide order dated 9th May, 2012, we are not inclined to entertain these Intervention Applications in a disposed of writ petition.

4.1. If the Intervenor-Applicants namely Sri Alekha Behera, Sri Chaitanya Sahoo and Sri Ashok Kumar Pani have any cause of action, they may raise their grievances in separate proceedings, if so advised.

5. With the aforesaid observations, these three I.As. are disposed of accordingly.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

41. **I.A. No.16072 of 2022**

1. This Interim Application has been filed by the Intervenor namely, Sri Ashok Kumar Pani, who had filed Intervention Application during pendency of the writ



petitions i.e. W.P.(C) No.13977 of 2009 and W.P.(C) No.13974 of 2009.

2. Mr. Behera, learned counsel for the Applicant-Intervenor submits that though the Intervenor was given liberty to file objection before the Tahasildar, Kujanga for fixation of fair rent and he was found to be in possession at the time of field enquiry by the Tahasildar, Kujanga, but no fair rent is being fixed in respect of the land, he is in possession. Hence, this Interim Application has been filed for fixation of fair rent in respect of the land in possession of the Applicant.

3. This Court, while disposing of W.P.(C) No.13977 of 2009, vide common order dated 9th May, 2012 granted liberty to the present Applicant to file objection for fixation of fair rent in respect of the case land.

3.1. If the Intervenor has any grievance with regard to inaction of the Tahasildar, Kujanga in fixing the fair rent of the land in his possession, he may work out his remedy in a separate proceeding, but not in a disposed of writ petition. As such, we are not inclined to entertain the Interim Application.

4. Hence, I.A. is disposed of with an observation that the Applicant, if so advised, may work out his remedy in accordance with law.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge



42. **I.A. No.9836 of 2018**

1. This is an application filed by the writ petitioner to direct the Tahasildar, Ersama to accept rent, cess, salami, interest etc. from the Petitioner.

2. It is submitted by Mr. Mishra, learned counsel for the Petitioner-Applicant that although the fair and equitable rent in respect of the land in his possession has been fixed by the Tahasildar, Kujanga, but the part of the land situates within the jurisdiction of Tahasildar, Ersama. The Tahasildar, Ersama is not accepting the fair and equitable rent, as assessed by the Tahasildar, Kujanga from the Petitioner.

2.1. Hence, this I.A. has been filed in a disposed of writ petition.

3. Considering the submissions made by learned counsel for the parties, this Court is of the considered opinion that non-acceptance of fair and equitable rent by the Tahasildar, Ersama after it is fixed by the Tahasildar, Kujanga is a separate cause of action. Hence, the same cannot be entertained in an Interim Application filed in a disposed of writ petition.

4. Accordingly, the I.A. is disposed of with an observation that the Petitioner-Applicant, if so advised, may work out his remedy in a separate proceeding for redressal of his grievance.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge