



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12038 of 2025

Nayan Prabha Dhal

..... Petitioner

*Mr. Lalitendu Mishra,
Advocate*

-versus-

***State of Odisha and
others***

..... Opp. parties

*Mr. Aurobinda Mohanty,
Addl. Standing Counsel*

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

02.05.2025

Order No.

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.

This writ petition has been filed by the petitioner Nayan Prabha Dhal challenging the order dated 18.02.2025 passed by the opp. party no.2 Director of Estates -cum- Ex-Officio - Addl. Secretary to Govt. of Odisha, General Administration and Public Grievance Department under Annexure-10 in rejecting the representation dated 29.05.2024 filed by the petitioner and asking the petitioner to deposit the consent Fees of Rs.66,28,788/- and the conversion fees of



Rs.18,93,940/- totalling Rs.85,22,728/-.

Learned counsel for the petitioner submits that the petitioner has no grievance so far as depositing the conversion fees of Rs.18,93,940/- from leasehold to freehold, but so far as the imposition of consent fee is concerned, the order is not sustainable in the eyes of law. He further submits that the same was imposed in view of the order dated 01.05.1998 of the Government of Orissa, General Administration Department wherein it is stated that the consent fee in case of transfer of lease hold plots in Bhubaneswar Municipal Area was revised to 15% of the present rate of premium which was thereafter revised from time to time. According to the learned counsel, the case being an intestate succession on the strength of a consent decree passed by the Court, it does not qualify as 'transfer' as defined under section 5 of the Transfer of property Act, 1882 and section 2(10) of the Indian Stamp Act, 1899 and thus it cannot be the subject matter of levy of consent fee.

Learned counsel for the petitioner further placed the order dated 19.04.2021 passed by the Division Bench of this Court in W.P.(C) No.1085 of 2021, wherein it was held that though there was justification in seeking a fee for conversion of the property from leasehold into freehold, there was no justification on the part of the opposite parties to insist the petitioner to pay the consent fee. According to the learned counsel for the petitioner that the principle decided in the said writ



petition also governs this case as it is identical facts and legal issues are similar in nature.

Issue notice to the opp. parties on the question of admission indicating therein that the matter shall be disposed of at the stage of admission.

Learned counsel for the State accepts notice on behalf of all the opposite parties. Let four extra copies of the writ petition along with all the annexures be served on him within this week.

Put up this matter in the week commencing from 23.06.2025.

Counter affidavit, if any, be filed in the meantime serving a copy of the same on the learned counsel for the petitioner.

(S.K. Sahoo)
Judge

(S. S. Mishra)
Judge

I.A. No.6682 of 2025

02. This is an application for stay of operation of the order dated 18.02.2025.

As an interim measure, the operation of the order dated 18.02.2025 passed by the opposite party no.2 under Annexure-10 so far as deposit of consent fees shall remain stayed till the next date subject to condition that the petitioner deposits the conversion fees of



Rs.18,93,940/- within ten days hence before the concerned authority and file the documentary proof before this Court.

Issue certified copy as per rules.

(S.K. Sahoo)
Judge

(S. S. Mishra)
Judge

Pravakar