

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No. 12140 of 2023
(Through hybrid mode)**

Shamim Akhtar and others

....

Petitioners

Mr. Susanta Kumar Dash, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. G.N. Rout, ASC

CORAM:

**JUSTICE ARINDAM SINHA
JUSTICE SANJAY KUMAR MISHRA**

**ORDER
01.05.2023**

Order No.

1.

1. Mr. Dash, learned advocate appears on behalf of petitioners and submits, prayer of his clients is for direction to settle the land, in respect of which they submitted representation on 19th March, 2008, without being influenced or persuaded in any manner by order dated 11th November. 1986 passed in R.P. Case no.775 of 1981.

2. He submits, this Bench by **order dated 2nd February, 2023** dealt with **W.P.(C) no.2332 of 2023 (Shamin Akhtar and others v. State of Odisha and others)**. Thereby we had noticed that permanent

settlement of, inter alia, 'Gramakantha Parmboka' land is possible under Odisha Government Land Settlement Act, 1962. Paragraph-3 from our order is reproduced below.

“3. He relies on sub-section (4) in section 3 of Odisha Government Land Settlement Act, 1962 to demonstrate that there is mandate for permanent settlement of, inter alia, 'Gramakantha Parmboka' land with the person, who is in occupation of such land for a period of at least three years prior to 26th February, 2009. He submits, that this appointed date as would appear from sub-clause (b) (i) under clause 1 in schedule V-A appended to Odisha Government Land Settlement Rules, 1983.”

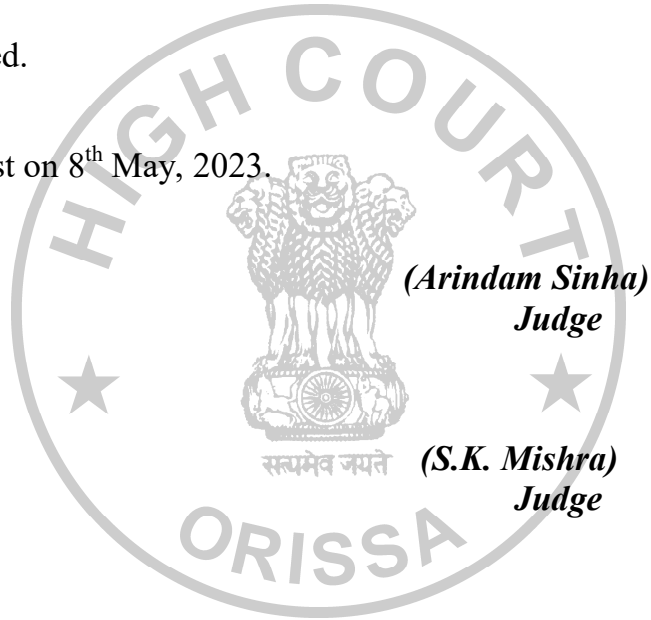
Mr. Dash submits, it became possible by inserted amendment provision, the amendment having been made in year 2009.

3. Mr. Rout, learned advocate, Additional Standing Counsel appears on behalf of State. He points out firstly, his instructions are that the representation, not having been disclosed in the writ petition, concerned authority cannot say anything about the same. Secondly, **order dated 2nd February, 2023** (supra) was obtained by petitioners, though prior thereto there had already been made order dated 24th January, 2023, by the Additional Tahsildar rejecting their claim for settlement. This does not appear to have been noticed by said **order dated 2nd February, 2023** (supra). He submits further, petitioners in

their earlier writ petition disposed of by **order dated 2nd February, 2023** (supra) did not point out that their same prayer stood dealt with by order dated 19th April, 2011 of earlier coordinate Bench in disposing of W.P.(C) no.5821 of 2008.

4. Petitioners will file additional affidavit disclosing particulars of all writ petitions made by them and orders passed therein. The additional affidavit will be accepted on adjourned date upon advance copy served.

5. List on 8th May, 2023.



Sks