



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12676 of 2025

(An application under Articles 226 of the Constitution of India)

Mrs. Shaheen Ali, Wife of Late Syed Almas
Ali, resident of Plot No.94. Suryanagar,
Bhubaneswar, Baramunda. Khordha,
Odisha-751003

...

Petitioner

-versus-

1. State of Odisha, represented
through its Secretary to Government,
G.A. Department, Odisha, Bhubaneswar,
Dist: Khordha

**2. Deputy Director of Estates-cum-
Joint Secretary to the Government, G.A.
and P.G. Department, Odisha,
Bhubaneswar, Dist: Khordha**

... **Opposite Parties**

Advocates for the Parties:

For Petitioner : Mr. Sourya Sundar Das, Senior Advocate
being assisted by Mrs. Shalaka Das, Advocate
and Mrs. Sobhna Das, Advocate

For Opposite Parties:

Mr. Manmaya Kumar Dash,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

Heard and disposed of on : 23.06.2026

ORDER

Order No.

12. 1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition seeks to challenge letters
dated 26th October, 2022 and 4th February, 2025, Annexures-4 and
7 respectively issued by the General Administration and Public



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Grievance Department, Government of Odisha. Vide letter under Annexure-4, the Petitioner was directed to deposit conversion fee of Rs.32,35,538/- and Rs.1,13,24,381/- only through treasury challan for conversion of the leasehold Plot No.94, Drawing No. C/1942 situated at Surya Nagar, Bhubaneswar (for brevity, 'the case land'). Vide letter under Annexure-7, the request of the Petitioner to exempt payment of consent fee was rejected.

3. The facts in nutshell relevant for adjudication of the writ petition are as follows:-

a. That the case land was leased out to one Purushottam Das Dixit by the Governor of Odisha vide registered lease deed dated 11th November, 1960 (Annexure-1). Said Sri Dixit being in peaceful possession of the case land, for his legal necessity, transferred the same in favour of the Petitioner with prior approval of the Government of Odisha in Political and Services Department vide letter No.4084/CA dated 10th May, 1974 (Annexure-2) and delivered possession to the Petitioner. A tripartite deed of transfer was also executed between the State, Sri Dixit and the Petitioner to that effect on 10th May, 1974 and was duly registered on 1st August, 1974. Since then, the Petitioner is in peaceful possession of the case land exercising his right, title and interest thereon in terms of the deed of transfer.

b. The Petitioner being the Lessee in respect of the case land submitted an application to the GA and PG Department, Government of Odisha, vide CNV-92/2022 (Annexure-3) for conversion of the case land from leasehold to freehold. Accordingly, the Government granted permission for conversion,



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vide letter No. 30188/CA dated 26th October, 2022 (Annexure-4) subject to deposit of conversion fee of Rs.32,35,538/- (Rupees thirty-three lakh thirty-five thousand and five hundred thirty-eight only) and Rs.1,13,24,381/- (Rupees One crore thirteen lakh twenty-four thousand three hundred eighty-one only) along with fulfilment of certain other conditions.

c. On query in the land branch of the GA and PG Department, the Petitioner was made to understand that the deposit of Rs.1,13,24,381/- (Rupees One crore thirteen lakh twenty-four thousand three hundred eighty-one only) was required to be deposited towards consent fee for conversion of the land from leasehold to freehold. The Petitioner, thereafter, vide his letter dated 6th November, 2023 (Annexure-5) wrote to the GA and PG Department that neither in the letter of permission for transfer of the case land to the Petitioner under Annexure-2 nor in the deed of transfer in favour of the Petitioner, it was indicated that the Petitioner was required to pay the consent fee. Thus, he would be exempted from payment of consent fee for conversion of the case land from leasehold to freehold. The said request of the Petitioner was not paid any heed. Subsequently, the Petitioner submitted a representation on 16th November, 2024 (Annexure-6) indicating *inter alia* that in the meantime the Government in the GA and PG Department have reduced the rate of conversion fee from 10% to 3% vide Resolution No.4487/Gen dated 13th February, 2024. Hence, he requested therein to recalculate the conversion fee as per the prevalent rate and reiterated his prayer to exempt the Petitioner from depositing the consent fee for



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conversion of the case land to freehold. The said representation was rejected vide letter dated 4th February, 2025 (Annexure-7). Assailing both the letters under Annexures-4 and 7, this writ petition has been filed.

4. Mr. Das learned Senior Advocate elaborating the case of the Petitioner, as stated above, contended that the Petitioner has no objection to deposit the conversion fee for conversion of the case land from leasehold to freehold at the prevalent rate, but he is not liable to deposit the consent fee as demanded. There being no request for transfer of the land by the Petitioner, demand of consent fee is misconceived and unjustified. He, therefore, prays for a direction to set aside the letters under Annexures-4 and 7 and further to direct the Opposite Parties to allow conversion of the case land from leasehold to freehold without insisting upon deposit of consent fee.

5. Counter affidavit has been filed by the State justifying demand of consent fee.

6. However, Mr. Dash, learned ASC, on receipt of written instruction dated 4th June, 2026 placed on record, submits that in the meantime, developments have taken place and the State Cabinet has taken a decision on imposition of consent fee. In pursuance thereof, the State Government in GA and PG Department issued Resolution on 13th April, 2026, relevant portion of which is quoted hereunder:-

“(10) Government after careful consideration have decided not to charge consent fee in cases where the following 3 (three) conditions are fulfilled:-

a) Transfer made between 11.03.1970 to 30.04.1998;



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- b) *Such transfer has been made with the prior written permission of the lessor, i.e., GA Deptt./Political and Services Deptt.;*
- c) *Regd. Tripartite Transfer (Lease) Deed has been executed and registered signed by the transferor, transferee and lessor (GA/Political & Services Deptt.)”*

6.1. He, therefore, submits that the case of the Petitioner may be considered on the basis of the aforesaid government resolution.

7. Mr. Das, learned Senior Advocate submits that case of the Petitioner satisfies all the three conditions enumerated at paragraph-10 of the resolution (supra). The case land was transferred to the Petitioner on the basis of a tripartite transfer of lease deed executed on 10th May, 1974. Thus, the transfer was made within 11th March, 1970 to 30th April, 1998 as enumerated in Clause-(a) of paragraph-10. Such transfer has been made with prior permission of the Lessor, i.e., the Political and Services Department vide order No.4084/CA dated 10th May, 1974 (Annexure-2). Further, registered tripartite transfer deed has been executed for transfer of the land from Purusottam Das Dixit, son of late Pandit Madhoram Dixit to the Petitioner on 10th May, 1974. Mr. Das, learned ASC also acknowledges the same. In view of undisputed factual position as narrated above, it is apparent that the Petitioner fulfils all the three criteria as enumerated in the Government Resolution dated 13th April, 2026 of the GA and PG Department.

8. In view of the development, as aforesaid, this Court does not feel it necessary to delve further into the merit of the case of the Petitioner. As such, there is no difficulty to dispose of the writ petition directing the GA and PG Department, Government of



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Odisha, Bhubaneswar to permit conversion of the case land from leasehold to freehold by accepting conversion fee at the prevalent rate and observing other formalities. The conversion of the case land from leasehold to freehold shall be allowed within a period of eight weeks from the date of deposit of the conversion fee to be assessed at the prevalent date by the GA and PG Department, Government of Odisha and observing other ancillary formalities.

9. With the aforesaid observation and direction, the writ petition is disposed of. In the facts and circumstances of the case, there shall be no order as to costs.

(K.R. Mohapatra)
Judge

s.s.satapathy

(S.K. Mishra)
Judge