

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No. 14370 of 2022
(Through hybrid mode)**

***Dharanidhar Balabantaray and
others***

Petitioners

Mr. Kalpataru Mishra, Advocate

-versus-

State of Odisha and others

Opposite Parties

Mr. A.K. Sharma, AGA

CORAM:

**JUSTICE ARINDAM SINHA
JUSTICE SANJAY KUMAR MISHRA**

**ORDER
20.03.2023**

Order No.

4.

1. Mr. Mishra, learned advocate appears on behalf of petitioners, who say they are permanent residents of the village. He draws attention to letter dated 15th November, 2021 written by the Tahsildar to the Additional District Magistrate (Revenue) forwarding relevant papers along with lease case records for further action. No action was taken. His clients are before Court for direction upon the authority to initiate lease revision cases, for cancellation of the leases.

2. On query from Court he submits, the leases were granted to the three persons on their applications for allotment of land for cultivation. The lands have been transferred. Gocher land could not have been allotted by way of lease. He seeks interference.

3. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and draws attention to decision dated 16th July, 1980 taken by the Board of Revenue, upholding orders of the Tahsildar for allotment and grant of the leases. He submits, this order has become final. There is no case for interference.

4. In paragraph 11 petitioners have alleged that the leases have expired. After death of the lessees, their sons have sold the lands. The purchasers are preparing the lands by cutting and removing standing trees with a view to make construction of building. In this context, we have seen said letter dated 15th November, 2021 sent by the Tahsildar. Two facts stated are that the lands bore classification 'Gochar' and subsequently, the lease holders have sold to others.

5. We find from said decision dated 16th July, 1980 that this point of transfer was taken in the GLS cases dealt with by the Board. In that regard, it was found there was no evidence on record regarding transfer of the land. It appears transfers have now happened.

6. Petitioners have liberty to file additional affidavit disclosing the petition made to the Tahsildar, resulting in said letter dated 15th November, 2021. The affidavit will be accepted on adjourned date upon advance copy served.

7. List on 27th March, 2023.

(Arindam Sinha)
Judge

(S.K. Mishra)
Judge

Sks

