



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21679 of 2025

Satrughna Rout

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Petitioner

Mr. Naresh Chandra Jena, Advocate

-versus-

**1. State of Odisha, represented
through its Secretary
Department of Revenue,
Bhubaneswar**

2. Collector, Cuttack

**3. District Level Committee,
represented through its
Chairman -cum- Collector,
Cuttack**

4. Tahasildar, Athagarh

5. Tahasildar, Tangi-Choudwar

Opp. Parties

Mr. Swayambhu Mishra, A.S.C.

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SAVITRI RATHO

ORDER

11.08.2025

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 16th April, 2025 (Annexure-4) passed by the Collector, Cuttack pursuant to the direction of this Court vide order dated 2nd January, 2025 in W.P.(C) No. 26257 of 2024.
3. Mr. Jena, learned counsel submits that the Petitioner being a physically challenged landless person applied to the Tahasildar, Athagarh to lease out a piece of government land for earning his



livelihood. Accordingly, Lease Case No.75 of 2008 was initiated on the board of Tahasildar, Athagarh. But the said lease case was subsequently dismissed. Assailing the said order, the Petitioner had approached this Court in W.P.(C) No. 10308 of 2009. The said writ petition was disposed of vide order dated 18th January, 2010 directing the Tahasildar, Athagarh to refer the matter to the Expert Committee, which may after making necessary verification, submit its report and on receipt of the said report necessary orders may be passed on the application of the Petitioner. Accordingly, the application of the Petitioner was processed and the Additional District Magistrate, Cuttack, vide its Letter dated 10th October, 2011, sent records of the Lease Case No.75 of 2008 of Athagarh Tahasil for placement in the meeting of the District Level Committee, which was the expert committee in the matter of considering the case of the Petitioner for developing a Green Park. The case of the Petitioner was considered for leasing out a piece of land to raise green park in Mouza-Bali under Athagarh Tahasil, which was being occupied by the Petitioner, subject to the order of sanction and clearance from the Ministry of Environment and Forest, Government of India. Since no favorable order could be passed in favour of the Petitioner, he again moved this Court in W.P.(C) No. 23437 of 2012 which was disposed of on 20th August, 2013 with a direction to the Collector, Cuttack—Opposite Party No.2 to consider the application of the Petitioner for allotment of any alternative vacant land in his favour under the scheme for the purpose of developing green park and pass necessary orders in accordance with law. Accordingly, the Petitioner submitted a representation vide Annexure-2 to allot Plot No.1063 to an extent of Ac.0.60 and Plot No.200 to an extent of Ac.0.65 under Khata



No.332 in Mouza-Nuapatna under Athagarh Tahasil (for brevity 'the case land') to develop green park. It is also reflected in the representation that the Petitioner has raised plantation on the aforesaid plot of land. Again, being not successful in getting a lease of the aforesaid land in his favour, the Petitioner approached this Court in W.P.(C) No. 26257 of 2024, which was disposed of on 2nd January, 2025 with a direction to the Collector, Cuttack to consider his representation in accordance with law. On consideration of his representation, the impugned order under Annexure-4 has been passed.

3.1. Mr. Jena, learned counsel for the Petitioner drew attention of the observation of the Collector, Cuttack in the impugned order to the extent that the Tahasildar, Athagarh in his Report No. 2441 dated 15th April, 2025 indicated that the Petitioner Sri Satrugna Rout has a landed property of Ac.7.995 dec. at Mouza-Kushpangi and his annual income is more than Rs.2 lakh. Thus, it was further reported by the Tahasildar, Athagarh that he was not eligible to be leased out any Government property. On the basis of the said report, the impugned order dated 6th April, 2025 (Annexure-4) has been passed rejecting the representation dated 27th June, 2024 observing that the Petitioner is not a landless/homesteadless person and has sufficient landed area in Mouza- Kushpangi and is also getting pension.

4. Mr. Jena, learned counsel for the Petitioner further submits that the Petitioner does not have any landed property of his own; he is not a pensioner and he does not have an income of Rs.2 lakh per annum as indicated in the report of the Tahasildar, Athagarh. In fact, he was not given any opportunity of hearing at the time of disposal of representation by the Collector, Cuttack. Thus, he prays for



setting aside the impugned order and to remit the matter to Collector, Cuttack for fresh consideration of his representation for allotment of the case land.

5. Mr. Swayambhu Mishra, learned Additional Standing Counsel vehemently objects to the same. It is his submission that the Petitioner was provided with an opportunity by the Collector, Cuttack before passing the impugned order under Annexure-4. The opening sentence of the impugned order indicates that the Petitioner was present at the time of hearing of the representation before the Collector, Cuttack. The Tahasildar, Athagarh on making an enquiry, submitted his report stating that the Petitioner has landed property and he has income of more than two lakh per annum. Since the Petitioner disputes the same, the grievance of the Petitioner cannot be adjudicated in a writ petition.

6. Considering the rival contentions of the parties, this Court finds that in one hand the Tahasildar, Athagarh indicates in his Report No. 2441 dated 15th April, 2025 that the Petitioner has a landed property of Ac.7.995 dec. in Mouza-Kushpangi and the annual income of the Petitioner is more than Rs.2 lakhs. On the other hand, Mr. Jena, learned counsel for the Petitioner stoutly refutes the same.

7. In view of the above, this Court finds that the matter involves disputed questions of fact, which requires adjudication by receiving oral as well as documentary evidence from the parties. Accordingly, this Court refrains from entertaining the prayer made in the writ petition filed by the Petitioner. The Petitioner, if so advised, may avail remedy before the common law forum for redressal of his grievances, if the same is permissible under law.



8. The Writ Petition is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

(Savitri Ratho)
Judge

Sukanta

Signature Not Verified

Digitally Signed
Signed by: SUKANTA KUMAR BEHERA
Designation: Senior Stenographer
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 14-Aug-2025 17:40:29

