IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.28375 of 2026
ODHC010667422026

Rabindra Singh **….** ***Petitioner***
Represented by
Mr. B.K.Biswal, Advocate

-Versus -

State of Odisha & Ors **….** ***Opposite Party***
Represented by
Ms. J.Sahoo,
Additional Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
11.09.2026

Order No.
01.

1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.

3. The petitioner has approached this Court with the following prayer:

> *""Therefore, the petitioner, most respectfully prays that this Hon'ble Court may be graciously pleased enough to admit this Writ Petition, issue Rule NISI calling upon the Opposite Parties to show cause as to why the order dated 13.05.2024 at Annexure-10 passed by the O.P. No.3 in Misc. Case No. 778 of 2023 arising out of W.P.(C). No. 39164 of 2023 & the order dated 27.01.2026 under Annexure-13 passed by the O.P. No. 2 in Appeal No. 1621 of 2025 shall not be quashed and as to why the land appertains to Hal Plot No. 269 measuring area Ac. 0.055 covered under not final Khata No. 3598, Kisam-Sarada corresponds to Jamabandi Sabik Khata No. 233/178, Plot No. 8/1475 (part) situated in the revenue Mouza-Sampur, P.S. Chandaka, Tahasil-Bhubaneswar, Dist-Khordha shall not be recorded in the name of the petitioner in the ROR in Sthitiban status and if the Opposite Parties don't show cause or show insufficient cause, this Hon'ble Court be pleased to issue a Writ in the nature of Certiorari for quashing the order dated 13.05.2024 passed by the O.P. No. 3*

under Annexure-10 & Order dated 27.01.2026 by the O.P. No. 2 under Annexure-13 of this Writ Petition and further this Hon'ble Court be pleased to direct the O.P. Nos. 3 to record the land in question in the name of the petitioner in the ROR within a stipulated time.

And further this Hon'ble Court be pleased to pass any such order(s)/writs as this Hon'ble Court deems fit and proper in the interest of justice.

And for this act of kindness the petitioner as in duty bound shall ever pray."

4. The brief facts of the case are that petitioner's vendor was the lessee of the land in question having been granted lease pursuant to the passed in W.L. Case No. 118 of 1978 by the Additional Tahasildar, Bhubaneswar. The land was subsequently transferred in favour of the petitioner vide RSD dated 17.01.1995. During the settlement operation, the Assistant Settlement Officer refused to record the land in favour of the petitioner, for which the petitioner approached this Court in W.P.(C). No. 39164 of 2023. A Division Bench of this Court disposed of the said writ petition by order dated 08.12.2023, referring to the judgment of this Court in the case of ***Narottam Rath vrs. State of Odisha & Others,*** passed in W.P.(C). No. 1608 of 2014. However, the A.S.O again rejected the objection of the petitioner by order dated 13.05.2024. The petitioner again approached this Court in W.P.(C). No. 23609 of 2024, wherein this Court by order dated 15.10.2025, granted liberty to the petitioner to prefer an appeal before the Settlement Officer. Pursuant to such order, the petitioner preferred an appeal which was registered as Appeal No. 1621 of 2025 before the Settlement Officer, Major Settlement, Cuttack. After hearing the parties, the Settlement Officer by order dated 27.01.2026 rejected the appeal on the ground that the plot in question is not being used for agricultural purposes which amounts to violation of the purpose for which the lease had

been granted. Said order is impugned in the present writ application.

5. Heard Mr. B.K.Biswal, learned counsel for the petitioner and Ms. J.Sahoo, learned Additional Standing Counsel for the State.

6. Mr. Biswal submits that the Settlement Officer could not have gone into the question as to whether the purpose of the lease was satisfied or not. Since the lease remains valid, there is no legal impediment for recording of the land in the name of the petitioner, who is a subsequent bonafide purchaser.

7. Ms. Sahoo, learned Additional Standing Counsel fairly submits that the Settlement Officer should have confined the appeal only to examine the validity of lease. If the lease was found to be valid, he should have decided the appeal on its own merits.

8. After hearing learned counsel for the parties and on going through the impugned order, this Court is of the view that the impugned order cannot be sustained for the reason that the Settlement Officer can have prima facie satisfaction as regards the validity of lease but cannot go into the question as raised by him in the impugned order. The question as to whether the lease has been violated is a matter to be decided by the appropriate authority under the OGLS Act followed by consequences. The Settlement Authority has no jurisdiction to enter into such question.

9. The Writ Application is therefore, allowed. The impugned order is set aside. The matter is remitted to the Settlement Officer to decide the appeal afresh on its own merits as early as possible, preferably within a period of four weeks from the date of production of certified copy of this order by the petitioner. It goes without saying that the petitioner shall be granted opportunity of

hearing before the appeal is disposed of.

(Sashikanta Mishra)
Judge

Deepak

Signature Not Verified
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Signed by: DEEPAK PARIDA
Reason: Authentication
Location: OHC,Cuttack
Date: 11-Sep-2026 17:30:24