



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C). Nos.4733, 4591,4728 & 4730 of 2025**

(Applications under Articles 226 and 227 of Constitution of India)

**WP(C) No. 4733 of 2025**  
**ODHC010109182025**

**M/s. Acrux Realcon Pvt. Ltd.,**  
**represented through its**  
**Director, Sri Rahid Swain** ..... **Petitioner**

**-Versus-**

**State of Odisha & Ors.** ..... **Opposite Parties**

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**For Petitioners** : Mr. N.K Sahu, Sr. Advocate  
with Mr. S. Sahu, Adv

**For Opp. Parties** : Mr. D. Lenka,  
Addl. Government Advocate

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**WP(C) No. 4591 of 2025**  
**ODHC010105602025**

**M/s. Acrux Realcon Pvt. Ltd.,**  
**represented through its**  
**Director, Sri Rahid Swain** ..... **Petitioner**

**-Versus-**

**State of Odisha & Ors.** ..... **Opposite Parties**

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**For Petitioners** : Mr. N.K Sahu, Sr. Advocate  
with Mr. S. Sahu, Adv

**For Opp. Parties** : Mr. D. Lenka,  
Addl. Government Advocate



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**WP(C) No. 4728 of 2025**  
**ODHC010108962025**

**Subhashis Tripathy**

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**Petitioner**

**-Versus-**

**State of Odisha & Ors.**

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**Opposite Parties**

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**For Petitioners**

: Mr. N.K Sahu, Sr. Advocate  
with Mr. S. Sahu, Adv

**For Opp. Parties**

: Mr. D. Lenka,  
Addl. Government Advocate

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**WP(C) No. 4730 of 2025**  
**ODHC010109162025**

**Subhashis Tripathy**

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**Petitioner**

**-Versus-**

**State of Odisha & Ors.**

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**Opposite Parties**

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**For Petitioners**

: Mr. N.K Sahu, Sr. Advocate  
with Mr. S. Sahu, Adv

**For Opp. Parties**

: Mr. D. Lenka,  
Addl. Government Advocate

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**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**JUDGMENT**  
**01.10.2026.**

**SASHIKANTA MISHRA, J.** All these writ applications involving  
common facts and point of law were heard together and are



being disposed of by this common judgment. For brevity, the facts of WP(C) No.4733 of 2025 shall be considered.

2. In W.P (C) No.4733 of 2025, the petitioner seeks to challenge the order dated 09.12.2024 passed by the Additional Commissioner, Additional Revision Court No. IV, Odisha, Bhubaneswar in OSS Case No.1201 of 2021, whereby the revision petition filed by the petitioner seeking correction of the ROR in respect of the land measuring Ac.1.000 dec. appertaining to Hal Khata No.684, Plot No.1180, corresponding to Sabik Khata No.174/13, Plot No.47/690, situated in Mouza-Gothapatna, Bhubaneswar, was dismissed and consequential directions were issued to the Tahasildar, Bhubaneswar and the Collector, Khurda to take protective measures in respect of the said Government land and to enquire into the subsequent transactions, if any, concerning the land.

3. The facts of the case, briefly stated, are that the land in question, measuring Ac.1.000 dec., appertaining to Sabik Khata No.174/13, Sabik Plot No.47/690, Mouza-Gothapatna, Bhubaneswar, was originally Government Anabadi land. One Dhoia Dehury, a poor landless agricultural labourer,



applied for settlement of the land in his favour. Pursuant thereto, in W.L. Case No.136 of 1973, the Tahasildar, Bhubaneswar, by order dated 09.08.1973, directed settlement of the land in his favour and the ROR was issued. It is the case of the petitioner that, while in possession and cultivation of the land, Dhoia Dehury sought permission under Section 22 of the OLR Act, 1960, to transfer the same in favour of one Biswakesh Tripathy in Revenue Misc. Case No.340 of 1986. The Sub-Collector, Bhubaneswar, granted permission for the transfer vide D.R. No.1824 dated 31.12.1986. Thereafter, Dhoia Dehury transferred the land in favour of Biswakesh Tripathy by RSD No.1579 dated 17.02.1987. The transferee subsequently got the land mutated in his favour in Mutation Case No.2551 of 1993. The petitioner claims to have purchased the land from Biswakesh Tripathy by RSD dated 13.11.2009 and of being in possession thereof since the date of such purchase.

During the settlement operation, the petitioner filed Rent Objection Case No.3156 of 2012 seeking recording of the land in its name. The objection was rejected by the ASO. Aggrieved thereby, the petitioner approached this Court in



W.P.(C) No.19040 of 2014. This Court, by order dated 05.05.2016, set aside the order of the ASO and granted liberty to the petitioner to avail the statutory remedy available against the finally published ROR, after closure of the proceeding under Section 7-A (3) of the OGLS Act. It is stated that, subsequently, the petitioner came to know of Misc. Case No.969 of 2000 arising out of W.L. Case No.136 of 1973 under Section 3-B of the OGLS Act. The proceeding was dropped by the Additional Tahasildar, Bhubaneswar, by order dated 30.10.2002 after spot enquiry, wherein it was found that the land had been settled in favour of Dhoia Dehury for agricultural purposes and that Biswakesh Tripathy was in possession and cultivation of the land, and no violation was found.

The petitioner thereafter approached the revisional authority by filing OSS Case No.1201 of 2021 under Section 15(b) of the OSS Act, 1958, seeking correction of the ROR in respect of the land in question and recording of the same in its favour. The proceeding was subsequently transferred to the Court of the Additional Commissioner, Additional Revision Court No.IV, Odisha, Bhubaneswar, which, by order dated



09.12.2024, dismissed the revision petition and issued consequential directions in respect of the land in question. The said order is impugned in the present writ petition.

4. Counter affidavit has been filed by the Tahasildar, Bhubaneswar (Opp. Party No.3) justifying the impugned order, inter alia, stating that the land in question was originally Government land and Dhoia Dehury was granted settlement of Ac.1.000 dec. of land in W.L. Case No.136 of 1973. It is stated that Dhoia Dehury thereafter transferred the land in favour of Biswakesh Tripathy by RSD No.1579 dated 17.02.1987 and the petitioner subsequently purchased the same from Biswakesh Tripathy by RSD dated 13.11.2009. It is also stated that RSD No.1579 did not disclose the caste of the vendor and the petitioner did not produce certified copy of the permission granted under Section 22 of the OLR Act in support of the transfer. It is also stated that, during the settlement operation, the petitioner failed to produce the original lease record, lease schedule, trace map and other documents in support of its claim, as a result of which the land was finally recorded under Government Khata as 'Abad Jogya Anabadi'. It is further stated



that the original records relating to the settlement were not available and the legality of the original settlement as well as the subsequent transfer could not be established from the available records. It is stated that, in the absence of the relevant lease records and supporting documents, the claim of the petitioner over the Government land could not have been accepted merely on the basis of the subsequent sale transactions and mutation. It is also stated that the revisional authority was justified in directing the Tahasildar and the Collector to take appropriate protective measures in respect of the Government land and to enquire into the subsequent transactions concerning the land.

5. Rejoinder has also been filed by the petitioner stating that the objections raised in the counter affidavit are contrary to the records. It is stated that Dhoia Dehury was a Scheduled Tribe person and that the land in question was settled in his favour in W.L. Case No.136 of 1973. The petitioner relies on the permission granted under Section 22 of the OLR Act in Revenue Misc. Case No.340 of 1986 vide D.R. No.1824 dated 31.12.1986, which records the status of Dhoia Dehury as



a Scheduled Tribe. Pursuant thereto, the land was transferred in favour of Biswakesh Tripathy by RSD No.1579 dated 17.02.1987. It is further stated that this Court, by order dated 05.05.2016 in W.P.(C) No.19040 of 2014, had taken note of the settlement and subsequent transfer of the land and granted liberty to the petitioner to avail the statutory remedy against the finally published ROR. The petitioner also relies on the order dated 30.10.2002 passed in Misc. Case No.969 of 2000 under Section 3-B of the OGLS Act, whereby, after spot enquiry and verification of the relevant records, the proceeding for resumption of the lease was dropped. It is contended that the said order having remained unchallenged, the revisional authority could not have reopened the validity of the original settlement or the order dropping the resumption proceeding. It is further stated that the petitioner had produced the relevant documents before the revisional authority and that the non-availability of old revenue records in the custody of the authorities could not be attributed to the petitioner. The petitioner also refers to the subsequent conversion of the land for homestead purposes under Section 8-A of the OLR Act. The



petitioner has also relied on the judgment dated 11.12.2019 passed by this Court in W.P.(C) Nos.20269 of 2017 and 5634 of 2019 concerning other leasehold lands originating from the same Sabik Plot and the subsequent dismissal of the Special Leave Petition preferred by the State.

6. In response to the rejoinder, a written instruction has been filed by the Tahasildar, Bhubaneswar, reiterating the stand taken in the counter affidavit. It is stated that the permission purportedly granted under Section 22 of the OLR Act vide D.R. No.1824 dated 31.12.1986, relied on by the petitioner and annexed to the rejoinder, was never produced before the ASO in Rent Objection Case No.3156 of 2012, before this Court in W.P.(C) No.19040 of 2014, or before the revisional authority in OSS Case No.1201 of 2021 and, therefore, cannot be relied on to allege any error in the impugned order. It is further stated that the permission does not, by itself, establish the identity of the land or the continued possession of the petitioner or his predecessors. The order dated 05.05.2016 passed in W.P.(C) No.19040 of 2014, according to the Tahasildar, did not adjudicate the title, validity of the original



settlement or possession of the petitioner, but merely set aside the ASO's order and left it open to the petitioner to avail the statutory remedy. With regard to the order dated 30.10.2002 in Misc. Case No.969 of 2000 under Section 3-B of the OGLS Act, it is stated that the proceeding for resumption was dropped after spot enquiry in which Biswakesh Tripathy was found in possession and cultivation, but the said order neither conferred title nor established continued possession or the validity of the original settlement; particularly when the final ROR was published only on 30.12.2013. It is also stated that the revisional authority, on examining the available revenue records and materials relating to possession, trace map and Hal-Sabik correlation, found that the petitioner had failed to establish its claim, and the absence of the original lease records, trace map and other supporting documents constituted material circumstances duly considered by it.

7.                Heard Mr. N.K Sahu, learned Senior Counsel with Mr. S. Sahu, learned counsel for the petitioner and Mr. D. Lenka, learned Additional Government Advocate for the State.



8. Mr. Sahu, would argue that the revisional authority under Section 15(b) of the OSS Act exceeded its jurisdiction by reopening the validity of the original settlement in favour of Dhoia Dehury in W.L. Case No.136 of 1973 and the subsequent transfer. He submits that the settlement was followed by permission under Section 22 of the OLR Act vide D.R. No.1824 dated 31.12.1986, transfer to Biswakesh Tripathy by RSD No.1579 dated 17.02.1987, mutation and, thereafter, purchase by the petitioner by RSD dated 13.11.2009. These transactions, according to him, could not be discarded merely for non-availability of the original records. He submits that the order dated 30.10.2002 under Section 3-B of the OGLS Act, passed after spot enquiry and verification of records, found Biswakesh Tripathy in possession and cultivation and dropped the resumption proceeding, and having remained unchallenged, could not have been reopened indirectly. The Section 22 permission also records Dhoia Dehury's Scheduled Tribe status. He also submits that the order dated 05.05.2016 in W.P.(C) No.19040 of 2014 had permitted the petitioner to avail the statutory remedy against the final ROR and the revisional



authority failed to consider the aforesaid materials, including the Section 22 permission, the 2002 order, mutation and conversion under Section 8-A of the OLR Act. He also argues that the findings of fraud, suppression and attempt to grab Government land are unsupported by cogent material. Reliance is also placed on the judgment dated 11.12.2019 in W.P.(C) Nos.20269 of 2017 and 5634 of 2019 and the subsequent dismissal of the State's SLP.

9. Per contra, Mr. Lenka, submits that the impugned order is based on the materials available before the revisional authority and warrants no interference. He submits that the petitioner failed to produce the original lease record, lease schedule, trace map and other relevant documents establishing the validity of the original settlement, identity and possession of the land, resulting in its final recording in Government Khata as 'Abad Jogya Anabadi'. He also submits that the Section 22 permission vide D.R. No.1824 dated 31.12.1986 was never produced before the revisional authority and has been relied on for the first time and, therefore, cannot be relied on to allege any error in the impugned order. The order dated 30.10.2002



under Section 3-B of the OGLS Act, according to him, merely recorded the possession of Biswakesh Tripathy at the time of spot enquiry and dropped the resumption proceeding; it neither declared the validity of the original settlement nor conferred title nor established continued possession after publication of the final ROR on 30.12.2013. The order dated 05.05.2016 in W.P.(C) No.19040 of 2014 also did not adjudicate title, validity of settlement or possession, but only permitted the petitioner to avail the statutory remedy. He, therefore argues that the revisional authority on examining the available records and materials relating to possession, trace map and Hal-Sabik correlation, rightly found that the petitioner had failed to establish its claim.

10. Having heard learned counsel for the parties and upon perusal of the materials available on record, this Court finds that the revisional authority rejected the claim mainly on the ground of non-availability of the original lease records, lease schedule and trace map, non-production of the Section 22 permission and the cancellation of the lease in Revision Case No.71 of 1983. Therefore, the issue that arises for consideration



is whether the claim for correction of the ROR was decided on a complete and properly verified record.

11. The petitioner had specifically pleaded before the revisional authority that the land was settled in favour of Dhoia Dehury in W.L. Case No.136 of 1973 vide order dated 09.08.1973 and that, pursuant to an application in Revenue Misc. Case No.340 of 1986, permission was granted vide D.R. No.1824 dated 31.12.1986, whereafter Dhoia Dehury executed Registered Sale Deed No.1579 dated 17.02.1987 in favour of Biswakesh Tripathy and delivered possession thereof. It was further pleaded that Biswakesh Tripathy got the land mutated in his favour in Mutation Case No.2551 of 1993. Though the document evidencing such permission was not placed before the revisional authority, the grant of permission and the subsequent transfer pursuant thereto were specifically pleaded. Therefore, the effect of the document requires consideration by the authority.

12. Another circumstance is the order dated 30.10.2002 passed in Misc. Case No.969 of 2000 under Section 3-B of the OGLS Act. Its existence has not been disputed by the



Tahasildar. The order records that the available records were examined and a spot enquiry was undertaken, whereupon Dhoia Dehury was noticed as the original lessee and Biswakesh Tripathy was found in possession and cultivation of the land, following which the resumption proceeding was dropped. It is an order passed in a proceeding concerning the very lease through which the petitioner traces its claim. Its existence and effect are, therefore, relevant to the claim for correction of the final ROR and could not have been brushed aside only because the original lease file is presently unavailable.

13. Even assuming, for the sake of argument, that the petitioner is required to produce the original lease record and has not been able to do so, this Court cannot lose sight of the fact that the petitioner has placed reliance on an order passed in the subsequent resumption proceeding which proceeds on the existence of the very lease in favour of Dhoia Dehury. Thus, the existence of the lease is not sought to be established merely through a private transaction but on a resumption proceeding against the same lease, i.e., W.L. Case No.136 of 1973.



14. There is another circumstance that there is no material before this Court to show that the order dated 30.10.2002 passed in Misc. Case No.969 of 2000 was ever set aside, modified or otherwise rendered inoperative by any competent authority. In such circumstances, while examining the claim for correction of the ROR under Section 15(b) of the OSS Act, the revisional authority could not have indirectly reopened or adjudicated on the validity of the concluded proceeding under the OGLS Act. However, the order could certainly be considered as part of the available record for examining the petitioner's claim. This assumes further significance as the impugned order proceeds on the basis of the cancellation of the original lease in Revision Case No.71 of 1983. However, the actual cancellation order or the communication of the Additional District Magistrate bearing Letter No.4963 dated 07.12.2002 has not been produced before this Court and the Tahasildar states that the record of the revision proceeding is not traceable. In the absence of the actual cancellation order, the nature of the proceeding, the reasons for cancellation, the land to which it relates and its legal effect cannot be ascertained.



15. The aforesaid circumstance is significant since the cancellation constitutes an important basis for the adverse conclusion regarding the continuance of the lease. If the State relies on such order, its existence and legal effect have to be established. A communication stating that the proceeding record is unavailable cannot, by itself, be treated as equivalent to the order passed therein. The actual order, if traceable, would necessarily require examination before any definitive conclusion is drawn regarding cancellation of the lease.

16. The same principle applies to the non-availability of the old lease records, lease schedule and trace map. Such records were maintained by the revenue authorities, and there is no material to suggest that they were in the custody or control of the petitioner or that the petitioner deliberately withheld them. Their present non-availability, therefore, cannot by itself be attributed to the petitioner, who has constructively shown the existence of the lease based on the resumption proceeding in the absence of the original lease record. The absence of the original lease record may ultimately render the petitioner's claim incapable of being established if the available materials



are insufficient. However, such absence cannot, by itself, establish that the original settlement was illegal, fabricated or non-existent. Likewise, it cannot, without further cogent material, constitute the sole basis for findings of fraud, suppression or an attempt to grab Government land.

17. The subsequent materials relied on by the petitioner, including the K-Form dated 07.05.2010 also requires consideration.

18. For the forgoing discussion, therefore, this Court finds the materials available on record discloses that the claim of the petitioner requires reconsideration on the basis of a more complete examination of the available records. The order dated 30.10.2002 passed in Misc. Case No.969 of 2000, the specific plea regarding the permission under Section 22 of the OLR Act, the subsequent revenue records and the cancellation in Revision Case No.71 of 1983 are all relevant circumstances which require consideration before a final conclusion is arrived at regarding the petitioner's claim for correction of the ROR. It is made clear that, while reconsidering the matter, the



revisional authority shall not reopen or adjudicate on the validity of the proceedings under the OGLS Act.

19. Accordingly, the impugned orders dated 09.12.2024 passed by the learned Additional Commissioner, Additional Revision Court No. IV, Odisha, Bhubaneswar in OSS Case No.1201 of 2021, OSS Case No. 37 of 2022, OSS Case No.1199 of 2021 and OSS Case No.1200 of 2021 are set aside. The matters are remitted to the revisional authority for fresh consideration of the petitioners' claim for correction of the ROR in accordance with law and in the light of the observations made hereinabove. It is made clear that this Court has not expressed any final opinion on the validity of the original settlement, the subsequent transfers, the petitioner's title or its ultimate entitlement to correction of the ROR.

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**Sashikanta Mishra,**  
**Judge**

**Ashok Kumar Behera**

Signature Not Verified

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