

**ORISSA HIGH COURT : C U T T A C K**

**W.P.(C) NO.2690 OF 2023**

*An application under Articles 226 & 227 of  
the Constitution of India.*

***M.Rajamma***

***: Petitioner***

***-Versus-***

***State of Orissa & ors.***

***: Opposite Parties***

For Petitioner

: M/s.J.K.Naik & A.K.Sahoo

For O.Ps.

: Mr.U.K.Sahoo, ASC

**J U D G M E N T**

**CORAM :**

**JUSTICE BISWANATH RATH**

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Date of Hearing & Judgment : 07.02.2023

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1. For a small but urgent issue involves herein, on consent of the learned counsel for the Parties, this matter is taken up for final disposal at the fresh admission stage.
2. This Writ Petition involves inaction of the Public Authority in the matter of bringing a Record of Rights in favour of a War Widow involving a land handed over to her on account of death of her husband, a Soldier fighting for the Nation in the Pak-India War, 1971.

3. Background involving the case is, the husband of the Petitioner, Late L/NK M.Chineya (No.13652130) was serving as a Soldier in the Indian Army. Through the pleading, it has been pleaded, this Soldier was killed in action in Indo-Pak War, 1971 leaving behind his Widow and two minor children. Through Annexure-1, the Petitioner-War Widow of the Ex-Army Personnel killed in Indo-Pak War, 1971, has been issued with a War Widow Identity Card. There is also pleading that the Petitioner is in occupation and enjoyment of a piece of land, which has been allotted in her favour, for the above reason, as claimed in Paragraph-3 of the Writ Petition, vide Patta bearing No.1211 dated 30.3.1976. Being a resident of Ganjam, the Petitioner further discloses that the Patta granted in her favour involving the above land has been destroyed in the Super-Cyclone taking place in the district of Ganjam in 1999. Through Annexure-4 series, it has been brought to the notice of this Court that there has been repeated approach to the Tahasildar, Chatrapur, one on 17.10.2022 followed with a representation to the District Collector even on 11.11.2022. Through Registered Receipt, photocopy of which are at Pages-19 & 20 of the Brief, it has been established that such correspondences have been sent to both the above Authorities through Registered Post.

4. It is in the above circumstance, Mr.Naik, learned counsel for the Petitioner claims, considering the above condition of the War-Widow,

an early step should have been taken by the Tahasildar concerned compelling the Petitioner to approach this Court for a suitable direction. It is alleged, it is even after bringing such aspect to the notice of the Collector, there is no development.

5. Mr.Sahoo, learned Additional Standing Counsel appearing for the O.Ps. submits, once a detailed representation is already made to the Tahasildar, Chatrapur, he is duty-bound to show an outcome on the same. Mr.Sahoo also contended, looking to the status of the Petitioner being a War Widow, there should have been early attention of such case. Mr.Sahoo also undertakes to issue necessary instruction to the Tahasildar concerned to give a lawful disposal to the pending representations at the instance of the Petitioner, vide Annexure-4 series at the earliest.

6. Considering the rival contentions of the Parties, this Court finds, there cannot be any dispute that the Petitioner is a War-Widow, as established through Annexure-1. There may not be also any doubt that the Petitioner being a War-Widow, her case must have been considered entitling her appropriate extent of land. Be that as it may, considering her own claim that she has been parted away with the land particulars given herein and however, she is not in possession of the copy of allotment order, if any, in her favour for loss of the same in the Super-Cyclone taking place in the District of Ganjam in 1999, this Court finding this to be a fit case while expressing its anxiety in the inaction of the

Tahasildar, Chatrapur for over two months involving such serious issues recording the Tahasildar failed in appreciating this not an ordinary case put up before him and the case involves a War-Widow whose husband has lost his life for the Nation requesting early attention to such issues.

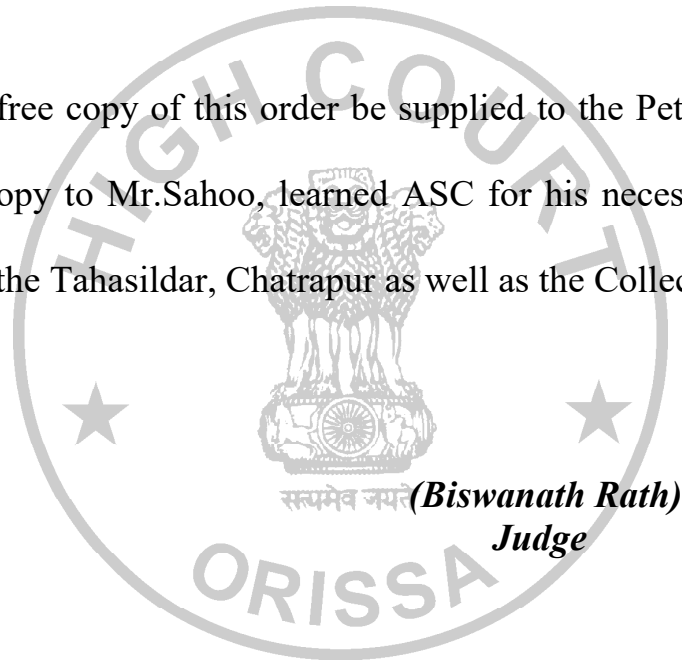
7. While expressing its anxiety in showing lackadaisical attitude of the Officer to such issue, this Court disposes of the Writ Petition directing the Tahasildar, Chatrapur, O.P.3 to undertake the required exercise and if necessary, find out the order of allotment, if any, in favour of the Petitioner from their own Records, further if there is involvement of the War-Widow is necessary, then the Tahasildar himself may visit the residence of the War-Widow already aged 80 years involved herein instead of troubling her to come to his Office to find out all sorts of solutions involved therein. This Court also clarifies that in the event there is no material involving allotment of such land after due search, which should be completed within fifteen days of the order of this Court. Since the Petitioner claims to be in possession of the particular property for over several decades, in the event there is no material available establishing allotment in favour of the Petitioner, there should be a decision in deciding the land in her occupation and there should be preparation of Record of Rights accordingly. Entire exercise should be completed within one and half months of service of copy of this judgment along with copy of the Brief by the State Counsel. It may also be open to

the Petitioner if possible to serve a copy of this judgment along with copy of the Writ Petition on the Tahasildar involved at the earliest.

8. Considering the urgent attention should be given to such cases, this Court also directs the District Collector, Ganjam, O.P.2 to oversee the matter and submit a compliance report to the Registry of this Court within a period of two months.

9. With the above observation/direction, the Writ Petition stands disposed of.

10. A free copy of this order be supplied to the Petitioner herself and another copy to Mr.Sahoo, learned ASC for his necessary guidance and advice to the Tahasildar, Chatrapur as well as the Collector, Ganjam.



Orissa High Court, Cuttack.  
The 7<sup>th</sup> January, 2023/M.K.Rout, A.R.-cum-Sr.Secy.