

**Paradip Port Trust Vs. State**

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**Court :** Orissa

**Decided On :** Feb-19-2014

**Appellant :** Paradip Port Trust

**Respondent :** State

**Judgement :**

W.P.(C) No.3038 of 2003 W.P.(C) No.3038 of 2003, W.P.(C) Nos.17896, 22502 & 14411 of 2013 and 16497 of 2010.

Present : For petitioners : Mr.R.K.Mohanty, Sr.Adv.Mr.G.Mishra, Adv.Mr.B.Mohanty, Adv.For Opp.

Parties: Mr.A.Mohanty, Advocate General for State.

Mr.S.K.Nayak, Sr.Adv.for Paradip Municipality Mr.G.Rath, Sr.Adv.for intervener-PPL.

13.

19.02.2014 This petition seeks direction to record the name of the petitioner in respect of the land in dispute.

Case of the petitioner-Paradip Port Trust (PPT) is that the PPT was constituted as a major port in the eastern coast of Orissa.

Land of 39 villages was acquired for development of Port.

Demarcation of title of PPT was done and the same was statutorily confirmed.

However, there was delay in completion of formalities at the end of the State Government.

Settlement operations were No.completed in respect of some land.

In the year 1994, the Revenue Department directed the Collector, Jagtsinghpur to demarcate the possession of Port land.

There is default on the part of the State Government.

Instead of regularizing the lands which are within the Port limits, the Government of Orissa was creating problems and the State Government failed to record the entries of title of the petitioner.

This writ petition was filed in the year 2003.

Counter affidavit has been filed by the Tahasildar, Kujang, district Jagatsinghpur, stating that High level meeting was held but the petitioner has created bottle necks to dissolve the issue.

There is no question of vesting of title of the entire property in the petitioner.

The declaration of title can be gone into by the Civil Court and No.by a writ court.

Further, a suit i.e.T.S.-2- No.293 of 1996 was earlier filed by the petitioner before the Civil Judge (Jr.Divn.).Kujanga, but the same was dismissed.

The land in question is a part of the land which was under the ownership and occupation of Irrigation Department, which was subsequently relinquished to the Revenue Department in the year 1983 and petitioner has no claim over the said land.

We have heard learned counsel for the parties at some length.

It is no doubt true that the Writ Court may No.be the appropriate forum to decide the title dispute and other civil disputes which are raised in this petition.

However, the matter is pending for last more than 10 years and status quo with regard to possession of the land has been directed to be maintained.

Application for intervention has also been filed by the Paradip Municipality.

Learned counsel for the Municipality submits that due to the status quo order, Municipality is No.able to perform its constitutional duties.

It has to prepare plan for economic development and social justice and to discharge its functions under 12th Schedule to the Constitution.

Misc.

Case No.15354 of 2012 has been filed stating that there was requirement of land by the Municipality for establishment of the Solid Waste Management Project.

Paradip Port Trust has no objection to identify the land for allotment in favour of the Municipality in consonance with the provision of Paradip Port Trust Immovable Properties (Land and Houses) Leasing and License Regulation, 1975.

Further, in a meeting dated 06.07.2012 held under the Chairmanship of Principal Secretary, R & DM Department, Govt.

of Odisha, PPT was requested to allot Ac.

50.00 dec.

of land for Solid -3- Waste Management.

The said land is Plot No.82, Khata No.4/1 of Mouza Bhitargarh.

Application has also been filed by the State being Misc.

Case No.1380 of 2014 with identical prayer.

Learned counsel for the PPT fairly submits that he has no objection if such prayer is allowed.

Taking into consideration the nature of long standing dispute, we are of the prima facie view that even though the writ Court may No.be an appropriate forum, a viable and speedy mechanism is required to be worked out to resolve the dispute which have arisen.

Learned Advocate General undertakes to suggest a mechanism in consultation with other learned counsel and after taking instructions.

During the hearing it has been suggested that a Committee headed by a former Judge of this Court and comprising two former District Judges may be a mechanism to adjudicate upon the issues.

The constitution of the Committee would be with the consent of all the parties.

To enable the learned Advocate General to file an appropriate proposal and for modification of the order of status quo, and also to enable the Municipality to sort out the problem of Solid Waste Management, list again on 5th March, 2014 at 2.00 P.M.A free copy of this order be given to the learned Advocate General.

..... A.K.Goel, C.J.AD .Dr.

A.K.Rath, J.

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