

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.9378 of 2004

Allam Veenamma

.... Petitioner(s).

Mr.S.S.Rao, Advocate

-versus-

State of Orissa & Ors.

.... Opposite Party(s)

Mr.S.Ghose, AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

23.09.2022

Order No.

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1. Heard learned counsel appearing for the parties.
2. Short question involved herein that Section 3(B) of the amended provision, 2000 is retrospective. In the meantime, 3(B) proceeding here involved a permission letter prior to the amendment came into force. Mr.Rao, learned counsel appearing for the petitioner producing a Single Bench order in the case of ***Pasara Gouri Shankar Rao & Ors. v. State of Orissa & Ors.*** involving ***W.P.(C).No.9376 of 2004*** submitted that the Single Bench has already recorded that proceeding under Section 3-B of the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 2000 is prospective as has been held to be bad by Division Bench of this Court in the case of ***Jami Ramesh and Others v. State of Orissa and others, 2019 (II) CLR 104.*** For the position being settled, this Court on acceptance of the challenge of the petitioner that 3-B proceeding involved herein is not maintainable, sets aside the impugned order and declares the foundation in

initiation of proceeding itself as bad. The writ petition thus succeeds.

(Biswanath Rath)
Judge

sks

