

IN THE HIGH COURT OF ORISSA AT CUTTACK
O.J.C. No.802 OF 2001

U. Sama Raju

....

Petitioner(s)

M/s. G.N.Sahu,
Advocate

-versus-

The Collector, Rayagada and others

Opposite Party(s)

Mr.U.K.Sahoo,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER

13.09.2022

Order No.

04.

1. Heard learned counsel for the Parties.
2. The proceeding involves a review proceeding under the amended provision of Regulation 2 of 1956. There is no dispute that there has been grant of permission in the year 1995 entering into an approach for permission by the vendor based on allowing such permission by the competent authority. There is also no dispute that there has been transfer of such property in favour of the vendee herein. Further records reveal that there is 3(a) proceeding under the provision of Regulation 2 of 1956 which came to be dropped.
3. On a finding of Sub-Collector, Gunupur for competent authority to review such aspect, it is based on allegation of the vendor, the matter was taken up in a Section 3(a) proceeding. Looking to the reason in allowing such proceeding, this Court finds the competent authority has recorded his reasoning as follows:-

“As seen from the statement of the vendor and the vendee the following differences have been noted in this case.

1. The vendee stated that he has paid Rs.21,100/- whereas the vendor deposed that, he has only received Rs.9,700/-.

2. The vendor states that the vendee has not yet paid the balance amount.

3. The vendor stated that, the land was sold for the medical treatment of his father, whereas the vendee stated that, the purpose of sale is to meet the marriage expenses of the sister of the vendor and for other household expenditure.

4. The vendor stated that, his father owner about Ac.9.00 of land, whereas the vendee stated the vendee has about Ac.24/25 of land.”

4. Mr. Sahu, learned counsel for the Petitioner taking this Court to the plea of the Petitioner herein on the basis of undisclosed material herein, the sale deed attempted to establish his case on payment of entire amount involving the transaction involved herein. There is no documents involving such transaction appears on record, even though learned counsel Petitioner attempting to make out a case on full payment in absence of any document to support the Petitioner particularly the R.S.D. No.310 of 1995 dated 24.04.1995 even. For absence of any material before the competent authority to establish such claim, this Court finds difficulty in interfering in the finding of the competent authority and thus confirms the findings in the impugned order.

5. As a consequence, the Writ Petition stands dismissed.

(Biswanath Rath)
Judge