

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 16405 of 2010

Utsaba Chandra Jena

....

Petitioner

Mr. Kabir Kumar Jena, Advocate

-versus-

The Collector, Kandhamal and others

....

Opposite Parties

Mr. Debakanta Mohanty, AGA

CORAM:

THE CHIEF JUSTICE

JUSTICE R. K. PATTANAİK

ORDER

30.06.2022

Order No.

06. 1. The challenge in the present petition is to an order dated 29th March 2010, passed by the Officer on Special Duty (LR), Balliguda in R.M.C No.221 of 2009 restoring the land in question to the first party i.e., the vendor who is impleaded in the present petition as Opposite Party No.5.
2. While directing notice to issue in the present petition on 28th September 2010, this Court had directed that there will be a stay of the impugned order which was passed in R.M.C No.221 of 2009. For nearly twelve years now, no reply has been filed by any of the Opposite Parties.
3. Learned counsel for the Petitioner points out that the Petitioner is a purchaser of the suit land much prior to the Orissa Scheduled Area Transfer of Immovable Property (By Scheduled Tribes) Amendment Regulation, 2000 (hereafter 'Amendment Regulation, 2000') which has been held by this Court in ***Jami Ramesh vs. State of Orissa and others (2019) 2 OLR 94*** to have prospective effect.

He states that the impugned order has been passed without affording the Petitioner an opportunity of being heard.

4. The above contentions are not disputed. Consequently, in view of the judgment of this Court in *Jami Ramesh vs. State of Orissa* (*supra*), the impugned order dated 29th March 2010 passed by the Officer on Special Duty (LR), Balliguda in R.M.C. No.221 of 2009 is hereby set aside and the said R.M.C. No.221 of 2009 is restored to file. It will be listed before the Sub-Collector, Balliguda (Opposite Party No.3) for directions on 29th August, 2022 on which date the Petitioner shall remain present along with a certified copy of this order. The said R.M.C No.221 of 2009 shall be disposed of within a period of six months thereafter, after hearing the parties in accordance with law. Till such time, the status quo as on today shall be maintained.

5. All other contentions of the Petitioner as urged in the present petition are permitted to be urged before the Sub-Collector, Balliguda in accordance with law. The writ petition is disposed of in the above terms. A certified copy of this order be sent to the Sub-Collector Balliguda for compliance.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge