

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2809 of 2005

Kulamani Panda @ Pujahari

....

Petitioner

Mr. Surajit Mahanta, Advocate

-versus-

Sub-Collector, Boudh and Others

....

Opposite Parties

Mr. Debakanta Mohanty, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

Order No.

ORDER
02.02.2022

08. 1. This matter is taken up by video conferencing mode.
2. The challenge in the present petition is to an order passed by the Sub-Collector, Boudh on 27th January, 2005 in R.M.A. No.2 of 2005 (Misc.) allowing the plea of the Jagannath Committee, Rundimahul in the district of Boudh.
3. This Court has heard the submissions of Mr. S. Mahanta, learned counsel for the Petitioner; Mr. D.K. Mohanty, learned Additional Government Advocate for the State (Opposite Parties) and Mr. B. Mohanty, learned counsel appearing for the Opposite Party Nos.2 and 3.
4. In page 2 of the impugned order it has been noted as under
- “Sri Kulamani Panda has also sworn an affidavit stating that he had relinquished his right, title and interest over the aforesaid khata land in favour of

the Jagannath committee and further stated in Para No.11 of the affidavit that he has no objection if said is recorded in the name of the Jagannath Committee of village – Rundimahul.”

5. Now learned counsel for the Petitioner seeks to contend that the aforementioned affidavit was taken under coercion. The Court is unable to accept the submission for the simple reason that admittedly the affidavit was given on 25th November, 2003 and there was no letter written soon thereafter by the Petitioner disowning the affidavit or claiming that it was taken by subjecting him to coercion. In fact, at no point in time, was such a plea advanced by the Petitioner prior to filing of the present petition. That plea therefore appears to be to be an afterthought.

6. If indeed the Petitioner did give an affidavit as noted in the impugned order, then there was no reason why the Sub-Collector could not proceed to register the land in question in favour of the Jagannath Committee, Rundimahul. The Court is unable to find any error having been committed by the Sub-Collector, in the impugned order.

7. The writ petition is accordingly dismissed.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court’s website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court’s Notice No.4587, dated 25th

March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. No.514 and 515 dated 7th January, 2022.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/P.A.

