

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.11859 OF 2010

Supuruti singh

....

Petitioner

Mrs.S.Jena, Adv.

-versus-

Collector, Kandhamal & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
19.12.2022**

Order No.

8.
 1. Heard learned counsel for the Parties.
 2. This Writ Petition involves a challenge to the order passed in exercise of power under Section 3(b) of OSATIP (By Scheduled Tribes) Amendment Regulation, 2000 by the non-Scheduled Tribe.
 3. At the threshold a submission is made taking resort to a Division Bench judgment of this Court in the case of ***Jami Ramesh & anr. Vrs. State of Orissa & ors.*** reported in 2019 (II) OLR-94 holding therein that there is no retrospectivity to the Amendment Regulation, 2000, inter alia, observing no development taking place prior to 2000 can be re-opened, that the same covers the case of the Petitioner and requests for interfering in the impugned order.

4. In the circumstance, for initiation of proceeding in 2009, for the support of the case law to the case at hand, this Court finds, initiation of proceeding involved herein becomes bad. As a consequence, this Court interferes with the order at Annexure-1 and sets aside the same.

5. In the result, the Writ Petition succeeds.

(Biswanath Rath)
Judge

M.K.Rout

