

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.258 of 2017

Purusottam Sahu

....

Appellant

Mr. S.K. Mishra, Advocate

-versus-

Sub-Collector, Jeypore

....

Respondent

Mr. D.K. Mohanty, AGA

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

13.10.2022

Order No.

04.

1. The plea of the learned counsel for the Appellant is that although it has been observed by the learned Single Judge that the civil decree obtained by the Appellant in his favour is non-est in view of the Regulation II of 1956, the position that obtained prior thereto has not been taken into account. In particular he relies on the judgment in ***Jamer Ramesh v. State of Orissa 2019 (II) OLR 94*** which holds that the amendment Regulation 2000 would have prospective effect. Mr. Mishra further submits that the fact that the Appellant purchased the property in question in 1954 i.e. prior to the coming into force of Regulation II of 1956 has also not been taken note of by either the authority concerned or by the learned Single Judge in the impugned order.

2. For the limited purpose therefore of considering the above two issues, the Court sets aside the impugned order of dismissing the writ petition and restores W.P.(C) No.15048 of 2005 to the file of the learned Single Judge. It is made clear however that the remand is only for the aforementioned limited purpose.

3. W.P.(C) No.15048 of 2005 shall be listed before the learned Single Judge in the roster Bench for directions on 12th December, 2022. The learned Single Judge is requested to dispose of the said writ petition as expeditiously as possible. The status quo order passed by this Court on 31st January, 2019 in the present appeal will continue during pendency of the writ petition.

4. The writ appeal is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

KC Bisoi

