

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8589 of 2014

Registrar (Judicial), Orissa High Court, Cuttack

Petitioner

Mr. Iswar Mohanty, ASC

-versus-

R.D.C. (C.D.)-cum-Chief Administrator, Sri Jagannath Temple, Puri

Respondents

Mr. U.C. Patnaik, Advocate

Mr. R.K. Mohanty, Sr. Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
29.08.2022**

Order No.

09.

1. The present PIL had been registered suo motu on the basis of a news item published in "The Samaj" dated 30th April, 2014 that the land belonging to the Lord Jagannath Temple had been settled with a construction company i.e. Kunkumina Constructions Pvt. Ltd. (KCPL) by the Tahasildar, Khurda and that the said lands were 'Amrutamohini land'.

2. Pursuant to the notice in the petition, counter affidavits have been filed by KCPL which is represented by Mr. R.K. Mohanty, learned Senior Counsel. It is pointed out therein that the newspaper article did not depict the true and correct picture of the actual facts and circumstances. KCPL participated in an open auction conducted by the Managing Committee of the Sri Jagannath Temple, Puri (hereafter 'Temple Administration') in 1986 and the entire consideration was paid by KCPL by 9th

January, 1999. A sale deed which was registered on 26th November, 2007, a copy of which is enclosed with KCPL's counter affidavit. The delay in registration of the sale deed is explained on account of removal of encroachers from the land in question. It is stated by Mr. Mohanty that even as on date KCPL is yet to get possession of Ac.1.00 land which is still under encroachment.

3. It is further pointed out that KCPL purchased the land in the open auction as the highest bidder @ Rs.41,000/- per acre whereas the prevailing price at that time was around Rs.25,000/- per acre. The quoted rate was increased pursuant to further bidding between KCPL and the next highest bidder before the Court in O.J.C. No.8073 of 1997 filed by a person occupying one portion of the land in question. He is stated to have filed civil suit being C.S. No.274 of 2008 in the court of the learned Civil Judge, Senior Division, Khurda against KCPL. The said suit is pending adjudication.

4. Reference has been made by the KCPL in its counter affidavit to the judgment dated 23rd March, 2010 passed by this Court in O.J.C. No.3242 of 2008 where, *inter alia*, it was observed as under:

“11. The third question is as to whether the valuation of the property determined at the public auction and thereafter re-fixed by the High Court is the true market value for the purpose of registration under the Indian Registration Act. In the instant case, it is not in dispute that the Applicant was the highest bidder

n the open auction sale. This very matter came up before this Court in OJC No.8073 of 1997 and this Court re-fixed the consideration money at the rate of Rs.41,100/- per acre. This Court granted time to the Applicant to pay the entire consideration money within December, 1998. The Applicant paid the entire consideration money by 09.01.1999, as per the details given in the sale deed.....”

“In the present case, the property was sold through tender process and the bidders quoted their offers and the petitioner’s offer was the highest, i.e. Rs.41,000/- per acre, which is more than the rate fixed by the Law Department in Government of Orissa. The court held that the assessment of value of property on the basis of the current existing market value is unsustainable. Market value should be on the date on which the agreement in question was entered into for the purpose of payment of stamp duty on sale deed. In view of the above propositions of law, the registering officer is not correct to take the valuation of the property on the date of registration as per the rate fixed by the Government to hold that the property was undervalued for the purpose of registration. He should have accepted the valuation of the property as settled by this Court during the relevant time in the year 1998, which is binding upon him for the purpose of registration.....”

5. Mr. U.C. Patnaik, learned counsel for the Temple Administration confirms that a sale notice was published on 8th January, 1996 inviting applications from prospective purchasers of the land that the Temple had decided to sell to an extent of Ac.112.16 dec. at Mouza-Chhatrama, Khurda after approval of the State Government. The auction pursuant thereto was held on

8th June, 1996 after attempts at sale through private negotiation did not succeed. It is confirmed that KCPL participated in the public auction and submitted a bid at Rs.41,000/- per acre and became the highest bidder. The Temple Authority has confirmed that the present market value of the purchased property at the stage of filing of the affidavit i.e. 17th June, 2014 was around Rs.5,13,97,225/- and not Rs.150 crores as alleged in the newspaper report.

6. Mr. Ishwar Mohanty, learned ASC for the State also does not dispute the above factual averments in the affidavits of KCPL and the Temple Administration.

7. In that view of the matter, no further directions are called for in the present petition and it is disposed of as such.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge