

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 6035 OF 2022

Radheshyam Panda

.... **Petitioner**

Mr. Kamal Ray, Advocate

-versus-

State of Odisha and another

.... **Opp. Parties**

Mr. Dillip Kumar Mishra,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

31.03.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to drop the OSATIP Case No. 472 of 2006 pending before the Sub-Collector, Rayagada in view of the ratio decided in the case of **Jami Ramesh and others –v- State of Orissa and others**, reported in 2019 (2) OLR 94.
3. It is submitted by Mr. Ray, learned counsel for the Petitioner that transaction in question was made prior to the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) (Amendment) Regulations, 2002 came into force. He, therefore, submits that OSATIP Case No. 472 of 2006 on the amended provision is not maintainable. Hence, this writ petition has filed for the aforesaid relief.
4. Mr. Mishra, learned Additional Government Advocate submits that a copy of the writ petition has not been served on him. Hence, he is not in a position to take instruction in the matter.

5. However, from the submission of learned counsel for the Petitioner, it appears that the Petitioner has not approached the Sub-Collector, Rayagada drawing attention to the ratio decided in the case of ***Jami Ramesh and others*** (supra).

6. This writ petition is, therefore, disposed of with a direction that in the event the Petitioner files an application before the Sub-Collector, Rayagada-Opposite Party No.2 to drop the OSATIP Case No. 540 of 2006 stated to be pending before him detailing the grounds therein within a period of two weeks hence along with certified copy of this order, he shall do well to consider the same in accordance with law as expeditiously as possible preferably within a period of two months therefrom keeping in mind the ratio decided in the case of ***Jami Ramesh and others*** (supra) and pass a reasoned order thereon.

7. A copy of the writ petition along with a copy of this order shall be served on Mr. Mishra, learned Additional Government Advocate for communication.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks