

IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) NO.7153 OF 2007

Bishnupriya Hota

....

Petitioner

Mr.H.N.Mohapatra, Adv.

-versus-

State of Orissa & ors.

....

Opposite Party(s)

Mr.R.P.Mahapatra, AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
12.4.2022

Order
No.

12.

1. Heard learned counsel for the Parties.
2. This matter was heard at length on previous occasion by some other Bench and by order dated 5.1.2016, recording the statement of the learned State Counsel, the Bench directed the learned State Counsel to produce the ROR/any other document to show that the kissam of the land is jungle. Today, the Records are produced in Court. On production of the Records in Khata No.412, Tahasil No.377 and Plot No.2246 in the Kissam and Plot Khajana Col.No.8, there is clear mentioning not only the class of land Jungle-2 but the Plot is also a single one. The decree-holder's claim since based on a bi-plot and also a different status of the Plot involved, this Court finds, the claim of the Petitioner is simply contrary to the Public Record produced for comparison by this Court. This Court

also finds, the claim of the Petitioner even through the amendment of the judgment and decree claiming a particular plot to be the corresponding plot remains contrary to the Public Records produced and considered today. In the circumstance, this Court finds, there is no possibility of execution of such decree and it is only in the above premises, the Executing Court rejected the Section 47 of C.P.C. Appliation.

3. This Court, therefore, finds no infirmity in the impugned order requiring to be interfered with. The Writ Petition thus stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout

