

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.260 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 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. It appears that this issue was not considered by the learned Single Judge while dealing with the writ petition by way of the impugned order.

2. For the limited purpose therefore of considering the above point, the Court remands W.P.(C) No.15048 of 2005 to the file of the learned Single Judge by setting aside the impugned order of dismissal of the writ petition. It is made clear however that the remand is only for the limited purpose of considering the above point and no other point. W.P.(C) No.15048 of 2005 now be listed before the learned Single Judge for directions on 12th December, 2022. The status quo order passed by this Court on 31st January,

2019 will continue during pendency of the writ petition. The Appellant is also permitted to agitate the issue concerning his purchase of the property in question in 1954 preceding which was earlier to the coming forth of the Regulation of 1956.

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

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

KC Bisoi

