

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1455 of 2013

M/s. CALORX (India) Ltd., New Delhi* *Petitioner

Mr. S. S. Das, Senior Advocate

-versus-

State of Odisha and Others* *Opposite Parties

Mr. Debakanta Mohanty, AGA

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK**

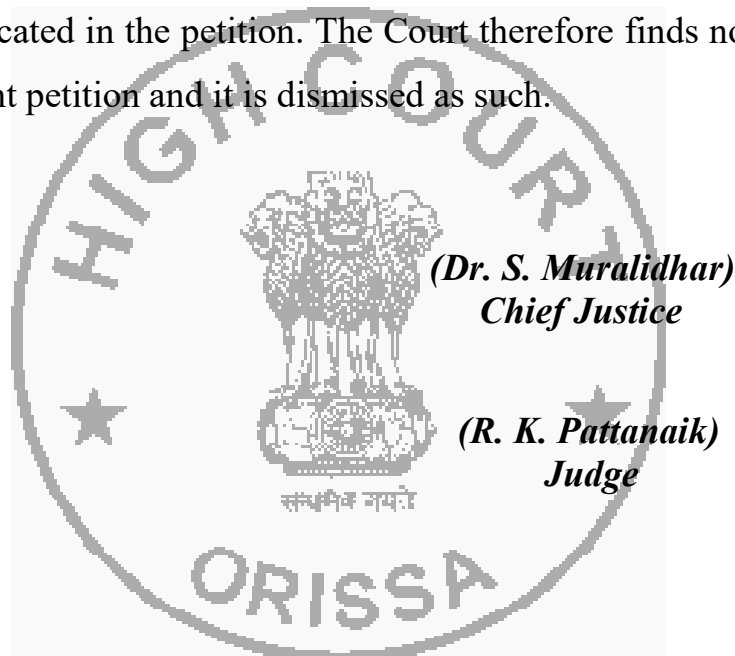
Order No.

**ORDER
20.07.2022**

05. 1. The challenge in this present petition, which was filed on 16th January 2013, is to a Notification issued by the Revenue and Excise Department, Government of Odisha under Section 3(1) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 (the 'Act') way back on 22nd September, 1988.
2. There is no reasonable explanation anywhere in the petition for the inordinate delay in approaching this Court to question the impugned Notification. The Petitioner is a public limited company, which is stated to have purchased the land in question i.e. admeasuring 20 acres from different recorded tenants by registered Sale Deeds dated 5th June, 1995 (6 acres) and a separate Sale Deed on the same date to an extent of 14 acres in favour of the Surya Kiran Resort, which got amalgamated with the Petitioner company.
3. Clearly, these Sale Deeds were in the teeth of the impugned Notification, which is already gazetted and published way back in 1988. In the counter affidavit filed by the Opposite Parties, it is

clearly stated in Para 22 that “the petitioner purchased suit land which was Anabadi in favour of Government not a Stitiban land”. In the rejoinder filed, there is no denial of the above averment in the counter affidavit.

4. Therefore, apart from the fact that there is an unexplained delay in the Petitioner preferring the present writ petition to challenge the impugned Notification more than 25 years after its publication, the Petitioner has no answer to the fact that the land in question was Government land, which could not have been purchased in the manner indicated in the petition. The Court therefore finds no merit in the present petition and it is dismissed as such.



M. Panda