

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.9783 of 2010

Dhansingh Nayak

....

Petitioner(s)

Mr. R.K. Mohapatra,
Advocate

-versus-

State of Orissa & Ors.

....

Opposite Party(s)

Mr. S. Mishra,
ASC
Ms. S. Jena,
Advocate

CORAM:
JUSTICE BISWANATH RATH
ORDER
16.12.2022

Order No.

07.

1. This Writ Petition involves a challenge to the order passed in exercise of power under Section 3(b) of OSATIP (By Scheduled Tribes) Amendment Regulation, 2000 involving non-scheduled Tribe.

2. At the threshold a submission is made taking resort to a Division Bench judgment of this Court in the case of ***Jami Ramesh & Anr. Vrs. State of Orissa & Ors.***, 2019 (II) OLR 94 holding therein that there is no retrospectivity to the amendment Regulation, 2000, inter alia, observing no development taking place prior to 2000 can be reopened that the same covers the case of the petitioner and requests for interfering in the impugned order.

3. In the circumstance, for the initiation of proceeding in the year 2005 and for the support of the case law to the case at hand, this Court finds, initiation of proceeding involved herein becomes bad.

As a consequence, this Court interfering in the impugned order at Annexure-4, sets aside the same.

4. This Court here recording the statement of Ms. Jena, learned counsel that there has been further development and in the meantime even after disposal of a suit another suit is pending, observes, the parties will be abided by the ultimate outcome of the suit.

5. In the result the writ petition succeeds.

(Biswanath Rath)
Judge

Ayaskanta Jena

