

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 11070 OF 2022

Jacob D. Raj

.....

Petitioner

Mr. Biswaranjan Mahapatra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Dillip Kumar Mishra,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

Order No.

16.05.2022

1. This matter is taken up through hybrid mode.
2. In this writ petition, the Petitioner has prayed for a direction to the Sub-Collector, Rayagada-Opposite Party No. 3 to accept the return in Form No.II in respect of the property appertaining to Plot No.11/568 to an extent of Ac.1.74 decimals under Khata No.26/454 of mouza Amalabhat under Rayagada Tahasil in the district of Rayagada (for short, 'the case land') as per Section 3 (B) of Orissa Schedule Areas Transfer of Immovable Properties (By Scheduled Tribes) Regulation, 1956 (for short 'Regulation 2 of 1956').
3. Mr. Mahapatra, learned counsel submits that the original recorded tenants, namely, Pindi Lachumu and Pindi Reli, who are Scheduled Tribe persons, under a valid permission granted by the competent authority on 25th March, 1995 in OSATIP Case No. 24 of 1994 sold the case land to the present Petitioner vide Registered Sale Deed dated 15th May, 1995. On purchase, the Petitioner got the land recorded in his name and is peacefully possessing the same. Due to want of wide publication of the amended provision of Section

3(B) of Regulation 2 of 1956, the Petitioner could not take step to file return as required under Section 3-B. It is his case that till date, no proceeding under Section 3-B (3) of Regulation No.2 of 1956 has been initiated. He further submits that an identical matter came up for consideration before this Court in W.P.(C) No.10142 of 2015. A Single Bench of this Court relying upon the order dated 9.5.2011 passed by a Division Bench of this Court in W.P.(C) No.11562 of 2009 directed the authorities to accept the return of the Petitioner.

4. In view of the above, I do not want to take a different view in the matter. Accordingly, this Court directs that in the event the Petitioner files return in Form No. II along with a limitation application within a period of four weeks from today before the Sub-Collector, Rayagada-Opposite Party No. 3, the same shall be accepted and the delay be condoned, provided the case land for which permission was given covers the land indicated in the sale deed executed in favour of the Petitioner. In the event, the Sub-Collector, Rayagada-Opposite Party No. 3 accepts Form-II and proposes to initiate any proceeding against the Petitioner under Section 3-B of the Orissa Regulation No.2 of 1956, the return filed by the petitioner shall be taken into consideration.

5. The writ petition is accordingly disposed of.

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

(K.R. Mohapatra)
Judge