

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 265 of 2017

Sabita Kumari Padhi

Appellant

Mr. B. Das, Advocate

-versus-

Rami Tuika and Others

Respondents

Mr. Debakanta Mohanty, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

17.10.2022

Order No.

08. 1. The challenge in the present appeal is to an order dated 6th July, 2017 passed by the learned Single Judge dismissing the Appellant's W.P.(C) No. 11430 of 2000.
2. The challenge in the writ petition before the learned Single Judge was to an order dated 16th July, 1999 passed by the Collector, Rayagada declaring the earlier order dated 3rd May, 1994 in OSATIP Case No.47 of 1994 granting permission in favour of the present Appellant in respect of sale of plot of land measuring Ac 2.79 decimal in village Barikhal to be illegal.
3. The learned Single Judge has in the impugned order dated 6th July, 2017 noted the illegalities committed while granting sale permission in terms of Regulation 2 of 1956. Inter alia, there had to be a gap of one month from the date of issuing notice calling for claim/objections from interested parties. That provision was not followed.

4. Learned counsel for the Appellant submitted that the Collector could not have *suo motu* reviewed the order and should have followed some procedure without violating the principles of natural justice. He relied on the decision in ***Biswanath Sethi v. State of Odisha (2021) 1 OLR 555***. The proposition that if the statute requires a thing required to be done in a certain manner, it has to be done only in that manner and not in any other, is well settled.

5. In the present case, it is seen that the original order was passed without following the above principle. In other words, without adhering to the statutory notice period, sale permission was granted and that is what was sought to be corrected by the Collector.

6. In the circumstances, the view of the learned Single Judge that the Collector did no wrong does not require to be interfered with. There is no merit in the present writ appeal. It is dismissed as such.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.