

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.271 of 2017

Nityananda Dash

...

Appellant

Mr. Asish Mishra, Advocate

-versus-

State of Odisha and others

...

Respondents

Mr. Debakanta Mohanty, AGA

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

18.10.2022

Order No.

02. 1. This writ appeal is directed against an order dated 18th July, 2017 passed by the learned Single Judge dismissing W.P.(C) No.1586 of 2008 filed by the Appellant.
2. In the said writ petition, the Appellant had challenged an order dated 29th December, 2007 passed by the Sub-Collector, Jeypore declining to recognize the title of the Appellant over suit plot No.178, area-Ac.4.32 cent of Khata No.47 in village Bankabija under Jeypore Tahasil on the ground that before purchasing the said land prior permission under Section 3 (1) of Regulation II of 1956 was not obtained.
3. Although the Appellant asserts that the suit land was purchased sometime in 1954 i.e. prior to the coming into force of Regulation II of 1956, the Appellant has not been able to make good that assertion. On the contrary, a Civil Suit No.27 of 2004 appears to have been filed before the Civil Judge (Senior Division), Jeypore which came to be decreed on the 7th day of May 2005 recognizing

the ownership of the Appellant in respect of the suit land. If indeed, there had been a regular purchase through a registered sale deed or any other document evincing such purchase in 1954, there would have been no need for the Appellant to go in for a civil court decree. Consequently, as far as the Appellant is concerned with his recognition of his ownership of the land in question happening only in 2005, the question of non-applicability of Regulation II of 1956 does not arise.

4. Consequently, the Court is unable to find any error having been committed by either the Sub-Collector or by the learned Single Judge affirming such order of the Sub-Collector. There is no merit in the present writ appeal and it is dismissed as such.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

M. Panda