

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.589 of 2018

Bijaya Kumar Behera

.... ***Appellant***
Mr. P.K. Kar, Advocate

-versus-

***The Collector, Balasore and
others***

.... ***Respondents***
Mr. D.K. Mohanty, AGA

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

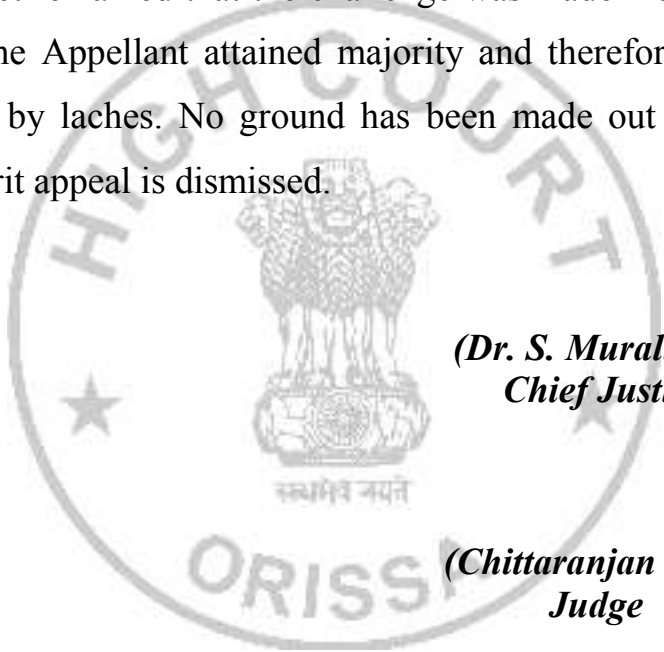
**ORDER
20.10.2022**

Order No.

- 04.
1. The challenge in the present appeal is to an order dated 27th August, 2018 passed by the learned Single Judge dismissing the W.P.(C) No.12255 of 2018.
 2. By the said writ petition, the Appellant had challenged the order dated 30th May, 2018 passed by the Collector, Balasore in Consolidation Misc. Case No.11 of 2017 rejecting the prayer to declare registered sale deed dated 13th April, 1991 as null and void and the consequential prayer to evict Respondent No.5 in the suit land.
 3. As noted by the learned Single Judge, the mother of the present Appellant sold the land in question to the father of Opposite Party No.5 by the aforementioned registered sale deed. Even accounting for the fact that the Appellant was a minor at the time of registration

of the sale deed, he attained majority in 1997 and yet he filed application before the Collector only in 2017 after 20 years.

4. Learned counsel for the Appellant sought to argue that the Appellant became aware of the sale only sometime in May, 2017. However, this is a self serving statement which has been not supported by the affidavit of any person. Consequently, the learned Single Judge could not have gone by the said self serving statement. The fact remained that the challenge was made more than 20 years after the Appellant attained majority and therefore, it was clearly barred by laches. No ground has been made out for interference. The writ appeal is dismissed.

The seal of the Orissa High Court is a circular emblem. It features the State Emblem of India at the top center, which is a four-lion capital of an abacus. Below the emblem is the motto 'सत्यमेव जयते' in Devanagari script. The words 'HIGH COURT' are written in a semi-circle at the top, and 'ORISSA' is written in a semi-circle at the bottom. Two stars are positioned on either side of the central emblem.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge