

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.41716 OF 2021

G.Banajalata Choudhury

....

Petitioner

Ms.N.Afreen, Adv.

-versus-

State of Odisha & ors.

....

Opposite Parties

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
1.2.2022**

**Order
No.**

01.

1. This matter is taken up through video conference.
2. In this writ petition, the Petitioner has prayed for a direction to the Sub-Collector, Jeypore-Opposite Party No. 3 to accept the return in Form No.II in respect of the property appertaining to Plot No.86/1282 under Khata No.256/375 to an extent of Ac.2.70 cents of mouza-Jayantagiri under Jeypore Tahasil in the district of Koraput (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. Miss Afreen, learned counsel submits that the original recorded tenant, namely, Laxman Naik, who is a Scheduled Tribe person, under a valid permission granted by the competent authority on 3rd May, 1996 sold the case land to the Petitioner vide Registered Sale Deed under Annexure-2. 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. She 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, Jeypore-Opposite Party No. 3, the same shall be accepted and the delay be condoned, provided the 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, Jeypore-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.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout of the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned Advocate, in the

manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

M.K.Rout

