

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.41717OF 2021

G.Banajalata Choudhury

....

Petitioner

Mr.D.R.Bhokta, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr.R.P.Mohapatra, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**Order
No.**

**ORDER
31.1.2022**

01.

1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Parties.
3. In this writ petition the petitioner has prayed for a direction to the Sub-Collector, Jeypore, O.P.3 to accept the return/rent as per Section 3(B) of Regulation 2 of 1956.
4. Petitioner alleged that non-acceptance of return under Section 3(B) of Regulation 2 of 1956 runs contrary to the direction of this Court in a batch of writ petitions. On perusal of one such order, this Court finds that identical matters came up for consideration before this Court in W.P.(C) No.10142 of 2015. A single Bench of this Court relying on 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.
5. In view of the above, this Court directs that in the event the petitioner files Form No.II return along with a limitation application within a period of four weeks from today before the Sub-Collector, Jeypore, 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, O.P.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.

6. The writ petition is accordingly disposed of.

7. 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.

sks

