IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.30623 of 2026
CNR No. ODHC010719342026

Goutam Ray ..... **Petitioner**

Represented by Adv. -
Hari Krushna Panigrahi

-versus-

State Of Odisha and Others ..... **Opposite Parties**

Represented by Adv. –

Mr. G. Mohanty, SC

CORAM:
MR. JUSTICE SASHIKANTA MISHRA

ORDER
11.11.2026

Order No. 05

1. This matter is taken up through hybrid mode.

2. Learned State Counsel requests for further time to obtain instructions in view of the order passed on 14.10.2026. This Court is not inclined to grant any further time. The matter is taken up for final disposal.

3. Heard Mr. H.K. Panigrahi, learned counsel for the petitioner and Mr. G. Mohanty, learned Standing Counsel for the State.

4. The petitioner challenges the order dated 30.06.2025 passed by the Sub-Collector, Malkangiri in OSATIP Case No. 303/2011.

5. The facts of the case, briefly stated, are that the petitioner's mother purchased the properties in question from the recorded owners, who belong to the Schedule Tribe community. The land was sold by the recorded owner after obtaining due permission from the competent authority under Regulation-3 of the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956 (in short '1956 Regulation'). Sale was effected in

the year 1981. Subsequently, notices were issued for non-submission of Form-2 on the basis of the amended provision of the Regulation. The petitioner challenged both the notices before this Court in W.P.(C) Nos.30154 of 2011 and W.P.(C) No.30155 of 2011. By an identical order passed in both the writ applications on 29.07.2019, a Bench of this Court relying upon the ratio decided in **Jami Ramesh and others vs. State of Orissa and others** reported in 2019 (II) CLR-104 held that the Amendment Regulation, 2000 shall have a prospective effect. Accordingly, the matter was remitted to the concerned authority with the further direction to accept the return filed under Form-2.

6. It is submitted by Mr. Panigrahi that the returns were thereafter accepted. Long thereafter i.e. in the year 2011, a suo motu case under Regulation 3(B) of 1956 Regulation was initiated. Though the petitioner brought to the notice of the Sub-Collector, the fact that returns in Form-2 had already been accepted pursuant to the order of this Court, the same was not taken note of and by the order impugned, the Sub-Collector held that the possession of the lands in question by the petitioner is unlawful and directed reversion of the land to its recorded owners on the ground of non-submission of the return in Form-2.

7. Mr. Mohanty, learned State Counsel fairly submits that earlier challenge to the notices issued for non-submission of Form-2 at the instance of the petitioner was accepted by this Court with a direction to accept the return filed under Form-2 and the matter was remitted to the authorities.

8. After hearing learned counsel for the parties and on perusal of the orders passed by this Court in the earlier writ applications filed by the petitioners, this Court is of the view that once the matter

was set at rest, the same could not have been reagitated and that too, after such inordinate delay. In any case, the return in Form-2 having already been accepted, there was no occasion for the authorities to have initiated the case suo motu against the petitioner.

9. In such view of the matter, the writ petition is allowed. The impugned order is set aside.

(Sashikanta Mishra)
Judge

A.K. Rana

Signature Not Verified
Digitally Signed
Signed by: AJAYA KUMAR RANA
Designation: P.A.
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 11-Nov-2026 18:03:54