



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.6975 OF 2026

Namrata Panda

....

Petitioner

Mr. Pradipta Kumar Mohanty, Senior Advocate
being assisted by Ms. K.T. Mudali, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

Order No.

09.07.2026

04. 1. This matter is taken up through hybrid mode.
2. In course of hearing, Mr. Mohanty, learned Senior Advocate appearing for the Petitioner drew attention of this Court to the provision under Section 52 of the Transfer of Property Act, 1882 and Orders IV, VI and VII of Code of Civil Procedure, 1908 and submits that by merely registering a case under Section 3-B of the Odisha Government Land Settlement Act, 1962 (for brevity 'the Act'), it does not indicate that the proceeding has been instituted. It is more so because, the Additional Tahasildar, Jatani in Resumption Case No.1089/2000 applied its mind for the first time on 26th April, 2002 by which date, the Petitioner had purchased the land, i.e., (on 2nd June, 2001).
3. Mr. Mishra, learned Additional Standing Counsel refuting such submission, relies upon the case law in ***Alka Shrirang Chavan and another Vs. Hemchandra Rajaram Bhonsale and others; 2026 INSC 52*** and submits that mere institution of a proceeding under Section 3-B



of the Act attracts the provision under Section 52 of the Transfer of Property Act, 1882. Even if, the institution is defective or no notice is served on the party concerned, still doctrine of *lis pendens* is applied.

5. On perusal of Annexure-5, the copy of the order sheet in Resumption Case No.1089/2000 under Section 3-B of the Act indicates that the case was taken up for the first time on 26th April, 2002. However, it is not clear from the order sheet that when the case instituted.

6. In view of the above, Mr. Mishra, learned Additional Standing Counsel is directed to produce the original case record in Resumption Case No.1089/2000 of the Court Additional Tahasildar, Jatani under Section 3-B of the Act on the next date.

7. Put up this matter on 20th July, 2026 under the heading 'Fresh Admission'.

8. Interim order dated 25th March, 2026 passed in I.A. No.4508 of 2026 shall continue till the next date.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

Sashikant