



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12613 of 2018

***Sanjay Kumar Senapati and
another***

.....

Petitioner

Represented by
Mr. B. Bhuyan,
Sr. Advocate

-versus-

***The Collector, Jagatsinghpur
and others***

.....

Opposite Parties

Represented by
A.G.A.

**CORAM:
JUSTICE SASHIKANTA MISHRA**

Order No. **ORDER**
04.5.2026.

09. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner has approached this Court seeking the following relief;

“It is therefore prayed that, this Hon’ble Court may be graciously pleased to admit the writ petition, call for the records, issue notice to the Opp. Parties



to show cause as to why the impugned order dated 12.04.2018 passed by the Collector, Jagatsinghpur in Con. Misc. Case No.09/2013 under: Annexure-5 shall 'not be quashed and if the Opp. Parties fail to show cause and/or show insufficient cause, pleased to quash the order dated 12.04.2018 under/Annexure-5 by issuing a writ-in the mandamus/certiorari or any other appropriate writ deem fit and proper in the interest of justice.

And / or to pass such other order/ orders, direction/ directions as this Hon'ble Court may deem just, fit, equitable and proper in the facts and circumstances of the present case.

And for this act of kindness the petitioners shall as in duty bound ever pray."

4. After hearing learned counsel for the parties, this Court taking note of the fact that the relevant law has undergone change by way of amendment of the OCH and PFL Act in the form of insertion of Section 36-A, the impugned order cannot be sustained. For immediate reference, Section 36-A is reproduced below;

“36A. Any transfer or partition of agricultural land in a locality creating fragmentation made under the Principal Act before the commencement of the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land (Amendment) Act, 2023, shall be treated as valid: Provided that cases where any eviction has been made by the Collector



under sub-section (2) of Section 35 of the Principal Act as omitted in this Act shall not be reopened.”

5. It is stated at the bar that in view of the order of status quo passed by this Court on 20.11.2018, the order for recovery of the case land has not been given effect to. Learned counsel appearing for the Opp. Party Nos.4 and 5 also does not dispute this position.

6. Learned State counsel fairly submits that in view of the retrospective operation of the amended provision, the impugned order can no longer be sustained.

7. Considering the submissions as above, the Writ Petition is allowed. The impugned order dated 12.4.2018 is hereby set aside.

8. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

AKB