



IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No. 443 of 2024

Durgaprasad Mishra

.....

Appellants

Mr. S.S. Das, Sr. Adv. with
Mr. B.P. Pradhan, Adv. and
Ms. Devika Patnaik, Adv.

-Versus-

Govt. of Odisha, Khurda &
Ors.

.....

Respondents

Mr. A.R. Dash, AGA

CORAM:

THE HON'BLE MR. JUSTICE SASHIKANTA MISHRA

ORDER

11.02.2025

Order No.
01.

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.S. Das, learned Senior Counsel with Mr. B.P. Pradhan and Ms. Devika Patnaik, learned counsel for the appellant
3. Perused the impugned judgments. Considering the submissions made and the grounds raised, the second appeal is admitted on the following substantial questions of law.

“(i) Whether the first appellate Court was correct in holding that the judgment passed by this Court on 10.02.2015 in OJC No. 11264 of 1998 is not universally applicable to all cases including the present case?”

“(ii) Whether the courts below are justified and right in not considering Ext.1, which is a copy of an order in Encroachment Case No. 6 of 1956-57 on the ground of the same being a Xerox copy, through the original appears to be in possession of the State Authorities.

“(iii) Whether the courts below are justified in not considering the certified copy of the registered sale deed especially when the certified copy of the sale



deeds are public documents under Section 74(2) of the Indian Evidence Act, 1872.

4. Issue notice to the respondents by registered post, returnable within four weeks. Requisites be filed within three working days.
5. Call for the LCR.
4. List this matter after summer vacation.

(Sashikanta Mishra)
Judge

A.K. Rana