

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No. 37030 of 2022
(Through hybrid mode)**

Arun Kumar Patnaik

....

Petitioner

Mr. S.S.K. Nayak, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. A.K. Sharma, AGA

CORAM:

**JUSTICE ARINDAM SINHA
JUSTICE SANJAY KUMAR MISHRA**

ORDER

30.01.2023

I.A. No.18093 of 2022

Order No.

1.

1. Mr. Nayak, learned advocate appears on behalf of petitioner and submits, his client is subsequent purchaser of the deity's land. First purchaser had filed case under Odisha Estate Abolition Act, 1951 (OEA Case no.02 of 1983). In that case ultimately there was order dated 30th July, 1985, wherein suit land stood settled with petitioner's vendor under rayati status. By impugned decision dated 7th September, 2021 in respect of, inter alia, said plot under OEA Case no.2 of 1983, it was included as standing recorded in Government Khata. His client was not noticed. There be interference.

2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State. He submits, impugned decision was made on confirming original order dated 19th June, 2015 made by the OEA Collector. That order has not been disclosed.

3. State is to demonstrate from impugned decision that aforesaid order dated 30th July, 1985 made in OEA Case no.2 of 1983 was noticed as having been interfered with earlier as set aside thereby.

4. Counter be filed by 20th February, 2023 as prayed for. Petitioner may file rejoinder, to be accepted on adjourned date upon advance copy served.

5. List on 27th February, 2023 along with W.P.(C) no.8349 of 2022.

6. Status quo be maintained in respect of subject plot till next date of hearing.

(Arindam Sinha)
Judge

(S.K. Mishra)
Judge