

ITEM NO.17

COURT NO.12

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 35/2020

(Arising out of impugned final judgment and order dated 23-09-2019
in SA No. 29/1994 passed by the High Court Of Orissa At Cuttack)

PREMANAND PARIDA (D) THR. LRS

Petitioner(s)

VERSUS

DISTRICT COLLECTOR, PURI & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.888/2020-PERMISSION TO PLACE
ADDITIONAL FACTS AND GROUNDS)

Date : 10-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPHFor Petitioner(s) Ms. Uttara Babbar, AOR
Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for the petitioner(s) at some length.

The only aspect which has really been urged given the concurrent finding of the first appellate Court and the second appellate Court is that in view of the provisions of The Orissa Tenancy Act, 1913, the petitioner has a status of a settled *Raiyat* and thus, the occupancy rights plea of the petitioner and protection against eviction is available and that as per the land record rights, it shows that the tank was repaired by the ancestors of the petitioner(s) though it has been utilized by the villagers.

In our view, the aforesaid is not the issue in the present proceedings which was a suit for declaration.

Whether the aforesaid plea can or cannot be raised in independent proceedings is a matter for the petitioner(s) to satisfy the competent Court in case the petitioner so chooses to initiate legal proceedings. However, this does not reflect any infirmity in the impugned order.

The Special Leave Petition is dismissed in the aforesaid terms.

Pending application stands disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(VIRENDER SINGH)
COURT MASTER