

O U T T O D A Y

ITEM NO.59

COURT NO.6

SECTION XIA

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.34373/2014

(Arising out of impugned final judgment and order dated 29/11/2014 in FA No. 158/2001 passed by the High Court of Orissa at Cuttack)

ORISSA OLYMPIC ASSOCIATION TH. GEN. SECRETARY

Petitioner(s)

VERSUS

STATE OF ORISSA AND ANR

Respondent(s)

(With appln. (s) for permission to place addl. documents on record and interim relief and office report)

Date : 19/01/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Raju Ramachandra, Sr. Adv.  
Mr. Gaurav Khanna, Adv.  
Mr. Amit A. Pai, Adv.  
Mr. R.M. Pattanaik, Adv.  
Mr. Raghavendra S. Srivatsa, AOR

For Respondent(s) Mr. Sshibashish Misra, Adv.  
Mr. Ashok Panigrahi, Adv.  
Mr. Santosh Kumar, Adv.  
Ms. Ashmi Mohan, Adv.  
Mr. R. Chandrachud, Adv.

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

As pure questions of law arise in this special leave petition, no counter affidavit need be filed. The questions that emerge for consideration are:

(i) Whether the lessee of the present character, that is, the Orissa Olympic Association, could have filed a suit for right, title and interest against the State, that is, the superior landlord?

(ii) Whether the plea of adverse possession can be set forth by the "Association" against the State, if the suit property is beyond the area granted under the lease deed?

(iii) Assuming the area in question is a part of the lease deed, whether the lessee can put forth a plea of adverse possession?

(iv) Assuming the suit land/property is situate within the lease hold area, whether the grantor, that is, the State Government, cannot take steps to resume the land for violation of the terms and conditions of the lease deed?

(v) Whether the income that is received by use of the suit property should not be taken into account and why should it not be the legal obligation of the petitioner-Association to satisfy the Court that the accounts have been audited and the amount derived has been properly accounted for?

(vi) If the accounts have not been audited, as required in law, whether the individuals that look after the affairs of the Association in respect of the suit property, would be criminally liable or not?

(vii) Whether the persons in management of the property could not be criminally proceeded, if it is found that they have mismanaged and utilized the income for their individual benefit?

As we find, the High Court has appointed the Collector, the respondent No.1, as the receiver. The said

part of the order reads as follows:

"The appellant No.1 - State of Orissa, represented by the Collector, Cuttack is directed to take over possession of the property, whereafter, the Collector shall open an interest bearing Bank Account and deposit in the said Account the rent collected from the tenants including the rent received from the Kalyan Mandap by M/s. INCON associates. M/s. INCON Associates is also directed to deposit the advance money received from the prospective occupants from today with the Collector and the balance amount shall be collected by the Collector and deposited in the Bank account during the pendency of the suit. The Collector, Cuttack is also directed to secure the property and the income thereof in due promptitude and to take necessary steps for preventing the same from any damage or danger and report compliance to this Court through the trial court."

We have asked Mr. Raju Ramachandran, learned senior counsel appearing for the petitioner to satisfy us whether the said paragraph requires interference and also whether proper management of the buildings, whatsoever the character/nature may be, situate on the disputed land, is warranted or not.

Let the matter be listed for consideration of the necessary arrangement pertaining to management, and further hearing of the special leave petition on 22<sup>nd</sup> January, 2015.

The interim order passed on 11<sup>th</sup> December, 2014, shall remain in force till the next date of hearing, i.e. 22<sup>nd</sup> January, 2015.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master

