

IN THE HIGH COURT OF ORISSA AT CUTTACK

OJC NO.16830 OF 2001

Niharabala Mohapatra

....

Petitioner

Mr.D.K.Mohapatra, Adv.

-versus-

Collector, Jagatsinghpur & ors.

....

Opposite Party(s)

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
24.8.2022**

Order No.

7.

1. Heard learned counsel for the Parties.

2. The Writ Petition involves a challenge to the order passed by the Collector, Jagatsinghpur, vide Annexure-6.

3. Background involving the case is based on the direction of this Court in disposal of O.J.C. No.14449 of 1999, an enquiry was conducted on the illegal encroachment and operation of Government land appears to be based on a complain of the Petitioner. In the undertaking of enquiry exercise, the Collector, Jagatsinghpur passed the impugned order at Annexure-6 observing that there has been admittedly encroachment of the Government land by O.Ps.5, 6 & 7 therein and also the Petitioner herein. In passing such order, the Collector, Jagatsinghpur, vide his order dated 5.7.2001 has also

directed the Competent Authority for taking appropriate step for eviction of such persons. The Petitioner by way the Writ Petition brings a case that even though there was specific direction involving enquiry relating to particular land, the enquiry at the instance of the Collector, Jagatsinghpur also involved the Petitioner's own land, involving which the Petitioner had already a suit pending at the relevant point of time.

4. It is has been brought to the notice of this Court that in the meantime, the suit has been disposed of negating the claim of the Petitioner on his right, title and interest over the disputed property. Involving such decree, the Petitioner is intending to file an appeal. Undisputedly, presently there is no proceeding pending at the instance of the Petitioner.

5. Considering the submission of the learned counsel for the Petitioner and taking into account the serious objection on entertainability of the Writ Petition, this Court at this stage getting into the observation of the Collector, Jagatsinghpur and the result involving the Suit at the instance of the Petitioner finds, the Petitioner is unable to satisfy his right, title and interest over the property already involved in the impugned order. In the process, this

Court finds, there is no infirmity in the impugned order of the Collector, Jagatsinghpur at Annexure-6 requiring no interference.

6. The Writ Petition has no merit and therefore, stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout

