

IN THE HIGH COURT OF ORISSA AT CUTTACK

OJC NO.3191 OF 1999

***Biranchi Deep since dead, his L.Rs. &
ors.***

Petitioners

Mr.B.Pujari, Adv.

-versus-

***Additional District
Magistrate,Bargarh & ors.***

.... Opposite Party(s)

Mr.S.Ghosh, AGA
Mr.R.K.Mohanty, Sr.Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
2.9.2022**

Order No.

- 18.
1. Heard learned counsel for the Parties.
 2. The documents in proper pagination of Annexure-3 filed in Court be kept on Record.
 3. This is the second round of litigation. A challenge is made to the impugned order at Annexure-3 solely on the basis that there is no proper appreciation of evidence and report available on Record in a hearing process undertaken based on direction of this Court in the disposal of O.J.C. No.1298/86 on 17.2.1992.
 4. In hearing the matter and submission of the learned counsel for the Petitioners and counter submissions of Mr.R.K.Mohanty, learned senior counsel and Mr.Ghosh, learned A.G.A., this Court

finds, the disputed land was earlier recorded in the name of the contesting O.Ps. involving an O.E.A. Proceeding. Undisputedly, there is no challenge to such development and it appears, the private O.Ps. are still in possession of the disputed property. For the opinion of this Court, for no challenge to the development through the O.E.A. Proceeding way back and position of Parties taking place for so many decades, there was no occasion for the O.L.R. Authorities in getting into the dispute involved therein in ignorance of order of the Competent Authority in the O.E.A. proceeding.

5. It is at this stage of the matter, this Court also enters into the allegation of non-consideration of evidence and report involved herein. Entire reading of Annexure-3 and as read through the learned counsel for the Petitioners, this Court finds, there has been threadbare discussion of the evidence and report. For the lawful obstruction otherwise through the O.E.A. Proceeding result and the report and evidence opposing the case of the Petitioners, this Court finds, there is no infirmity in the impugned order requiring to be interfered with.

6. The Writ Petition thus stands dismissed.

(Biswanath Rath)
Judge