

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.826 of 2022

Jyotshnarani Mishra

....

Petitioner(s)

Mr. A.K. Mishra,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S.P. Panda,
Addl. Govt. Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER

08.02.2022

Order No.

02.

1. It appears, in the previous round of litigation the Petitioner obtained an order against the competent authority for undertaking a demarcation exercise. It is observed, consequent upon such direction there is already a demarcation exercise conducted by the competent authority and report already prepared has come to existence as appearing at Annexure-3. The Petitioner seeks mandamus for removal and/or eviction of illegal encroachers from the disputed land in question. For the opinion of this Court in the event the report of the Tahasildar shoots the Petitioner, nothing prevented the Petitioner to approach under appropriate provision of law to the competent authority for such exercise, as there is no automatic clearing of encroachment after the demarcation exercise gets completed, no writ petition in the circumstance is entertainable.
2. The writ petition is accordingly dismissed as not entertainable.

(Biswanath Rath)
Judge