

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 828 OF 2022

Sishir Chandra Barik

....

Petitioner

Mr.Ashis Kumar Mishra, Advocate

-versus-

State of Odisha and another

....

Opp. Parties

Mr.Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.02.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Collector-cum-District Magistrate, Dhenkanal-Opposite Party No.2 to consider his representation dated 25th December, 2021 (Annexure-2) within a stipulated period.
3. It is submitted by Mr. Mishra, learned counsel for the Petitioner that pursuant to the direction of this Court dated 7th December, 2021 in W.P.(C) No. 37474 of 2021, the Petitioner made an application before the Tahasildar, Parjang for demarcation of the land in question in proper format within the stipulated time. Although the said application was received, the Tahasildar, Parjang is not taking any action on the same.
4. The matter was listed on 9th February, 2022 when Mr. Mishra, learned Addl. Standing Counsel prayed for an adjournment to take instruction in the matter. Today, Mr. Mishra, learned Additional Standing Counsel, on instruction, submits that no application in compliance with the direction of this Court in W.P.(C) No. 37474 of

2021 has been received by Tahasildar, Parjang as yet. He, however, submits that if the Petitioner makes an application in proper format along with requisite fee and relevant documents, the same shall be considered as per the directions made in W.P.(C) No. 37474 of 2021.

5. Taking into consideration the rival contention of the parties, this Court without delving into the disputed question of fact with regard to receipt of the application by the Tahasildar, Parjang, disposes of this writ petition with a direction that if the Petitioner makes a fresh application in proper format along with requisite fee and relevant documents for demarcation of land in Plot No.110/6538 to an extent of Ac. 2.850 decimals, Plot No. 110/6539 to an extent of Ac. 0.500 decimals, Plot No. 873/6540 to an extent of Ac. 0.450 decimals and Plot No. 872/6541 to an extent of Ac. 0.1.200 decimals under Khata No. 408/47 of Mouza-Basulei under Parjang Tahasil in the district of Dhenkanal within a period of two weeks hence along with certified copy of this order, the Tahasildar, Parjang shall accept the same and proceed with the matter in accordance with law by issuing notice to the Petitioner as well as boundary tenants to participate in the hearing of the demarcation case and also to be present at the time of demarcation of the aforesaid land, if there is no legal impediment. The entire exercise shall be completed as expeditiously as possible preferably within a period of three months from the date of filing of such application in the manner and period, as aforesaid.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks/ms