

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2127 of 2021

***Bhramarabar Baliarsingh
Mahapatra***

....

Petitioner

Mr. D. Panigrahi,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. D.K. Mishra,
Additional Government Advocate

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
27.01.2022**

Order No.

03. 1. Petitioner has limited prayer for inquiry and appropriate action on the issue indicated in the representation at Annexure-4. On perusal of the representation at Annexure-4 it appears, upon receipt of such complaint and/or request, the Tahasildar appears to have already forwarded the matter to the concerned R.I. for visiting the spot and report accordingly since 25.11.2020. It is alleged that in spite of such forwarding there is no development on the issue in question, compelling the Petitioner to make another application to the Tahasildar, which is at page 13 of the brief.

2. Mr. Panigrahi, learned counsel for the Petitioner alleges that there has been repeated request and there is no action at all by the Tahasildar involving such request.

3. Mr. Mishra, learned State Counsel taking this Court to the record of rights submitted that there appears, there is some problem for considering such issue.

4. Considering the rival contentions of the parties and since the dispute is already raised before the Tahasildar, the Tahasildar is duty bound to look into such allegations and take a decision following due process of law. This Court observes, once a complaint on encroachment issue is made to the Tahasildar, there should be lawful response to the same. In such view of the matter, this Court while finding the writ petition is premature at this stage, however directs the Tahasildar, Bari-O.P. 1 to look into the grievance of the Petitioner at page 12 & 13 of the brief and do the needful by entering into necessary inquiry and also involving the parties likely to be affected.

5. The entire exercise shall be completed within a period of three months from the date of communication of an authenticated copy of this order by the Petitioner. Result of such exercise shall also be communicated to the Petitioner.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and

Court's Office order circulated vide memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

Ayas Kanta Jena

