

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC NO. 251 of 2020

Manas Ku. Das

....

Petitioner

Mr. Chittaranjan Pattanaik, Advocate

Panchanan Patra

....

Opp. Parties

Mr. L. Samantaray, AGA

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S.SAHOO

ORDER (Oral)

05.01.2022

Order No.

- 03.** **1.** This matter is taken up through hybrid mode.
- 2.** Petitioner had filed W.P.(C) No. 19105 of 2019 seeking a direction for taking up steps to remove the encroachments made upon a portion of the forest land by the Rasalpur Primary Agriculture Society. The said writ petition was disposed of vide order dated 11.10.2019 with the direction to the Tahsildar, Sadar, Balasore to dispose of the pending Land Encroachment Case No.1189 of 2017 within three months. Since the same has not been done, present contempt petition has been filed.
- 3.** Mr. Samantaray, learned AGA upon instruction, submits that the aforesaid society had approached this Court against its eviction by filing W.P.(C) No.12236 of 2018 which was disposed of vide order dated 17.12.2018 permitting the said society to file appeal.

Qua the pending proceedings relating to removal of encroachment, it is stated that in view of the said appeal being pending, the Tahsildar has been unable to conclude the eviction proceeding.

4. In view of the above, we find that there is no willful disobedience. However, it is hoped that the appellate authority would decide the pending appeal either way within three months from today so as to facilitate the conclusion of the eviction proceedings.

5. The CONTC is disposed of with the aforesaid observation.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

dutta

January 5th, 2022
Cuttack