

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.625 of 2021

Kailash Magoo

....

Petitioner(s)

Mr.A.Patnaik,
Advocate

-versus-

Manoswini Das

....

Opposite Party(s)

Mr. S.P.Panda, Advocate

**CORAM:
JUSTICE BISWANATH RATH**

ORDER

11.07.2022

Order No.

3.

1. This is a contempt application. In the disposal of W.P.(C).No.9636 of 2016 by order dated 20.03.2019 this court directed as follows::

“In view of the foregoing discussions, the writ petition is allowed. The Tahasildar, Lathikata shall dispose of the mutation case on the available materials on record. It is open to the Tahasildar to call for the trace map. In the event the same is not available, the Tahasildar may depute an Amin to demarcate the land and proceed accordingly. The entire exercise shall be completed within six months.”

2. Mr.Panda, learned counsel appearing for the contemnor also referring to paragraph-7 submits that there is some positive direction required to be considered by the Tahasildar, Lathikata. Reading the above and considering the submission, this Court finds ultimately this Court has left mutation case to be decided in the manner of disclosure therein within a period of six months of the date of order.

3. In filing counter, through paragraph-14 onwards the contemnor claims that there has been already disposal of Mutation Case No.319 of 2007 on 04.05.200. Then from paragraph-21 of the counter, it is disclosed that after disposal of said mutation case, the Tahasildar, Lathikata has also intimated the petitioner regarding disposal of the Mutation Case vide his letter No.1360, dtd. 11.05.2020. The copy of final disposal of mutation case is enclosed as Annexure-D/1 whereas the

communication to the petitioner claimed to be made by the Tahasildar on disposal of mutation case appears at Annexure-F/1. In the circumstance and as there is already disposal of mutation case since 04.05.2020, this Court finds nothing survives to be adjudicated in the contempt petition except leaving it open to the petitioner ,if aggrieved by such development, may also avail other remedies.

(Biswanath Rath)
Judge

Sks

