

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3879 of 2022

Budhi Bewa & Ors.

Petitioner(s)

Mr. G.N. Mishra,
Advocate

-versus-

State of Odisha & Ors.

Opposite Party(s)

Mr. U.K. Sahoo,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.02.2022**

Order No.

02. 1. Challenging the order at Annexure-4 Mr. Mishra, learned counsel for Petitioners submitted that the Petitioners are in possession of the disputed land in question for over 90 years and there should not be alienation of such land in absence of lawful eviction of the Petitioners. It is, in this view of the matter, Mr. Mishra, learned counsel for Petitioners seeks interference in the order of the authority dated 20.11.2015 vide Annexure-4.
2. Mr. Sahoo, learned State Counsel in his objection submitted that the writ petition involves a cause of action of the year 2015 more particularly involving the order dated 20.11.2015 and as per the disclosure therein there has already been alienation of the land of the Petitioners by the H. & U.D. Deptt. for construction of a Pump House. Mr. Sahoo, learned State Counsel thus prayed for dismissal of the writ petition.

3. Considering the rival contentions of the parties, this Court observes, in the event the Petitioners are in long possession of the disputed land in question and there has been mere alienation of the land in favour of the H. & U.D. Deptt. without undertaking eviction process as of now, nothing prevents the Petitioners to go before the appropriate Court seeking declaration at least in consideration of their long possession and deprivation, if any. It is, in this view of the matter, this Court finds, this writ petition is not entertainable. However, the Petitioners are at liberty to find-out any other remedy available to them involving this issue.

4. The writ petition stands disposed of.

(Biswanath Rath)
Judge

Ayaskanta Jena

