

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.1145 OF 2022

Gobardhan Barik & others **Petitioners**

Mr. Manoranjan Mishra, Advocate

-versus-

Chakravarti Singh Rathore, **Opp.party**
Collector, Jajpur

Mr. P.K.Mohanty, ASC

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO

ORDER
13.12.2022

Order No.

Hybrid Mode

05. **1.** By filing the present petition, the petitioners allege non-compliance of the order passed by this Court dated 08.02.2021 disposing of W.P.(C) No.10011 of 2020 and pray the Court to proceed against the opposite party as per the provisions of the Contempt of Courts Act.
- 2.** As directed by this Court compliance affidavit dated 11.08.2022 has been filed and referring to the said affidavit, this Court had directed to file a supplementary compliance affidavit based on the result of the fresh demarcation.

Indicating the steps taken for compliance of this Court's order dated 08.02.2021 disposing of W.P.(C) No.10011 of 2020, the following has been stated in the compliance affidavit dated 11.08.2022:

“2. That this Hon’ble High Court by its order dated 08.02.2021 has directed the opposite party to examine the representation dated 17.12.2019 and decide it in accordance with law affording an opportunity of hearing to the petitioner as well as those who might be affected not later than 5th April, 2021. In response to the representation dated 17.12.2019 of the petitioner, a misc. case No.15 of 2021 dated 25.03.2022 was initiated affording an opportunity of hearing to the petition in which the Tahasildar, Dasarathpur was directed for demarcation of scheduled land and initiation of OPLE proceeding against the encroachers and evict them from the Government plots as per OPLE Act. That as per the report of the Tahasildar, Dasarathpur demarcation of the scheduled land was done on dated 14.3.2022 and 3 no of encroahcers have vacated the Government land in compliance of the order. True copy of the order passed in the Misc. Case is annexed herewith as Annexure-A/ 1.

3. It is also mention that the villagers along with petitioner of the above case did not agree with the demarcation and not signed the demarcation report. On the basis of their complainant another demarcation was scheduled on 10.08.2022 but they have requested not to demarcate the scheduled land on the date fixed by the Tahasildar, Dasarathpur due to the current rain spell. True copies of the order are annexed herewith as Annexure-B/ 1 series.”

3. Today when the matter is taken up, learned Additional Standing Counsel, Mr. Mohanty produces letter no.9442 dated 12.12.2022 from the Tahasildar Dasrathapur-opposite party addressed to the Advocate General, Odisha indicating therein that :

“... .. the Revenue Inspector investigate the matter and demarcate the encroached land. Identified 3 persons encroached the particular community road in form of wooden fence and initiate Encroachment Case No.274/22 to 276/22, in the name of encroachers as per OPLE Act 1972, and they are Madan Giri S/o. Bhikari Giri, Lokanatha Giri, S/o. Ramachandra Giri, and Panu Giri S/o. Ramachandra Giri respectively. Thereafter due process followed and issue Form-B to the encroachers to evict the land within 30 days. As per RI report the encroachers evict the land by themselves.”

Copy of the said communication has been served on the learned counsel for the petitioners and is kept on record for reference.

4. Learned counsel for the petitioner submits that he does not have the details of the encroachment cases initiated and also contends that the encroachments have not been removed.

5. In our considered opinion, the submission of the learned counsel for the petitioners are not correct inasmuch as Misc. Case No.15/2021 dated 25.03.2022 was initiated earlier by the Tahasildar, Dasarathapur for demarcation of the alleged encroachment of government land as indicated in the compliance affidavit dated 11.08.2022. Further in the letter dated 12.12.2022 initiation of Encroachment Case Nos.274 to 276 of 2022 has been indicated and issuance of statutory Form-B under the provision of OPLE Act has also been indicated.

Accordingly, it is observed that the order 08.02.2021 disposing of W.P.(C) No.10011 of 2020 has been complied with substantially and the present petition is dismissed.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

13th December, 2022
Cuttack

Gs/dutta

