

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.146 of 2018

***Santosh Kumar Mohanty* *Petitioners*
and Others**

Mr. Pravat Kumar Biswal, Advocate

-versus-

***Sidharth Sankar Sahoo,* *Opp. Party*
Tahasildar, Kantapada,
Cuttack**

Mr. Lalatendu Samantaray, AGA
Ms. Mitali Dash, Tahasildar, Kantapada

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. RAMAN

ORDER (Oral)

07.03.2022

Order No.

- 04.** **1.** This matter is taken up by virtual/physical mode.
- 2.** The present Contempt petition has been preferred by the Petitioners contending that the direction of this Court in W.P.(C) No.21419/2015 has not been complied by the Opposite Party i.e. Tahsildar, Kantapada, Cuttack.
- 3.** The brief facts of the case were that the Petitioners were flood affected victims in the year 1980 and 1982. It is their grievance that their houses were washed away by the said flood and their agricultural land were converted to river bed. Subsequently, they have started living in Plot no. 220/4901 under Khata No.1279 of Mouza-Adaspur.
- 4.** The Petitioners had filed a lease Misc Case No. 4, 5, 6, 7 and 8 of 1996 and 86, 102 of 1995 before the Opposite Party for settlement of the said land in their favour. The Tahsildar initiated a de-reservation lease case No.16/1998.

5. Due to delay in action on the part of the Opposite Party, the Petitioners preferred a Writ Petition numbered W.P.(C) No.21419/2015 before this Court with a prayer to direct the Opposite Party to dispose of their case expeditiously. This Court vide order dated 26.04.2016 directed the Tahsildar, Kantapada to dispose of the de-reservation lease case No.16/1998 along with Misc Case No. 4, 5, 6, 7 and 8 of 1996 and 86, 102 of 1995 within four months from the date of production of certified copy of said order.

6. After the disposal of the writ petition, the Petitioners filed a petition before Tahasildar, Kantapda along with the certified copy of the order of this Court on 19.05.2016. It is the case of the Petitioners that Opposite Party has yet not disposed of the cases filed by the them and thereby did not the act according to the order of the Court in W.P.(C) No.21419/2015 dated 26.04.2016.

7. Counsel for the parties heard at length.

8. The Tahsildar of Kantapada appeared before us and presented a Compliance Affidavit. In the Affidavit, the Tahasildar has provided that the lease Misc Case No. 4, 5, 6, 7 and 8 of 1996 have been rejected vide order dated 18.03.1996. Further, lease Case No.86 of 1995 was rejected on 17.11.1995 and Lease Case No. 102 of 1995 was rejected on 22.12.1995. Thus, all the cases stood decided before the directions passed by this Court on 26.04.2016.

9. The Tahasildar of Kantapada further provided that pursuant to the order of this Hon'ble Court dated 26.04.16, she verified the possibility of settlement of land in favour of the petitioners under the order of the Govt. in Revenue & Disaster Management Department letter No. 12255 dated 23.04.15 which provides for

settlement of land in favour of flood victims if they come under the category of homesteadless. However, on verification, it was found that the Petitioners do not come under the category of homesteadless category as their annual income is above the criteria fixed by the Government.

10. In view of the above affidavit by the Opposite Party-Tahsildar, we find the order dated 26.04.2016 stands complied with in letter and spirit, thus the Contempt petition is disposed of as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

March 7th 2022
Cuttack

AKPradhan

