

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 4288 OF 2022

Paramananda Naik

....

Petitioner

Mr. S. S. Das, Senior Advocate
being assisted by Mr. P.K. Ghosh,
Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
18.02.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. This writ Petition has been filed with the following prayer:

“It is, therefore, prayed that your Lordships may graciously be pleased to admit the Writ Petition, call for the records from the Authorities below, issue rule NISI calling upon the Opposite Parties to show cause as to why the Opposite Parties shall not be directed to restore the possession of the case property in favour of the Petitioner with status quo ante as on the date of the Civil Court Decree dated 3rd March, 2014 vide Annexure-3;

And in the event the Opposite Parties fail to show cause or show insufficient cause, the said Rule be made absolute directing the Opposite Parties to restore the possession of the case property in favour of the Petitioner with status quo ante as on the date of the Civil Court Decree dated 3rd March, 2014 vide Annexure-3;

And as to why the Opposite Party No. 4, i.e., the Tahasildar, Dharamgarh shall not be directed to mutate the case property in the name of the present petitioner registering the Application for mutation with a mutation case number;

And in the alternative, the Petitioner may be given delivery of possession in respect of the equal measure of land from out of the Hal Settlement case-Khata comprising a vast expanse of land lying vacant being recorded in the name of the Government.

And, in the event there arise any difficulties in restoration of possession, the Opposite Parties may be directed to grant due compensation to the Petitioner in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 with adequate damages for the suffering, harassment and injuries to his deprivation of his right to property without any authority of law as provided under Article 300A of the Constitution.

And pass such other Order/s, Direction/s as the Hon'ble Court deems fit and proper in the peculiarity of the facts and circumstances of the present case.

And for which act of kindness, the Petitioner shall as in duty bound ever pray."

3. In course of hearing, Mr. Das, learned Senior Advocate submits that interest of justice will be best served, if the Petitioner takes step for execution of the judgment and decree passed by learned Civil Judge (Junior Division), Dharamgarh in Civil Suit No. 122/76 of 2005-2012 passed for recovery of possession encroached upon by the functionaries of the Government.

4. Taking into consideration the submission of Mr. Das, learned Senior Advocate appearing for the Petitioner, this writ petition is disposed of with an observation that in the event execution case is filed

for recovery of possession, learned Civil Judge, (Junior Division), Dharamgarh shall make an endeavour for expeditious disposal of the same in accordance with law.

5. It is made clear that this Court has not expressed any opinion on the merits of the case of the parties.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks/ms

