

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.1334 of 2022

Hemanta Kumar Dixit & Others ***Petitioners***

Mr. A.B. Parida, Advocate

-versus-

Sri Madhusudan Nayak

Opp.Party

Mr. L. Samantaray, Addl. Govt. Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

23.06.2022

Order No.

- 02.** 1. This matter is taken up by virtual/physical mode.
2. This Court has disposed of W.P.(C) PIL No.27954 of 2021 filed by Hemanta Kumar Dixit and Others vide order dated 28th September, 2021 with the following observation:-

“1. Petitioners’ representations and reminders under Annexure-2 & 3 series shall be examined by the Tahasildar, Bhadrak (Opposite Party No. 4) and after issuing notice to the Petitioners as well as Opposite Party No. 5 and giving them opportunity of hearing, a reasoned order thereof be passed not later than 10th January, 2022. Copy thereof be made available to the parties not later than 17th January, 2022. If aggrieved by such order it would be open to the parties to seek appropriate remedies in accordance with law. The Court makes it clear that it has not expressed any opinion on the contentions of the petitioners.

2. The writ petition is disposed of in the above terms.”

3. Alleging willful non-compliance of the said order, the Petitioners have filed aforementioned contempt petition. The contemnor-Sri Madhusudan Nayak, now working as Tahasildar, Bhadrak has filed compliance affidavit on 15th March, 2022 before this Court by indicating as follows:-

"7. XXX XXX XXX

But, due to ensuing three tier Panchayat Election-2022 and non-availability of police personnel, this eviction is unattended for some extent. On the basis of the reasoned order passed on dated 10.01.2022, the matter was retaken. The fresh notice was issued in this regard to the encroacher on Dt. 15/02/2022 to evict him from encroached land on or before 22/02/2022. As per the report submitted by Revenue Inspector Kaupur on Dt. 23/02/2022 as the encroacher had not vacated the land so far. The date of eviction was re-scheduled to 04/03/2022.

On the re-scheduled date of eviction dt.4.3.2022, the team of eviction officials accompanied with police force proceeded to the spot for execution eviction order passed by Tahasildar, Bhadrak on dt.10.01.2022. The demolition of the unauthorized construction and encroachment has not been completed due to filing of writ petition filed by the encroacher namely Basanta Maharana vide W.P.(C) No. 5187 of 2022. In this connection, one appeal case was filed against the eviction order passed by the Tahasildar, Bhadrak by the Encroacher before the Sub Collector, Bhadrak vide OPLE Appeal Case No. 19 of 2022 and the matter was posted to 29.03.2022.”

4. It transpires from the above that encroacher namely, Basanta Maharana has approached this Court in W.P.(C) No. 5187

of 2022 and it is further revealed that an appeal against the eviction order of the Tahasildar, Bhadrak, being OPLE Appeal Case No.19 of 2022, has been *sub judice* before the Sub-Collector, Bhadrak.

5. In view of the aforesaid, this Court is of the opinion that there is no willful disobedience or non-compliance of the order dated 28th September, 2021 in WP(C) PIL No. 27954 of 2021.

6. Accordingly, the contempt petition stands dismissed.

**(Jaswant Singh)
Judge**

**(M.S. Raman)
Judge**



Aks June 23rd, 2022
Cuttack