

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.1017 of 2021

Bhaskar Ch. Sahoo

....

Petitioner

None

-versus-

Santosh Niala & Another

....

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

Order No.

25.07.2022

- 06.**
1. This matter is taken up by virtual/physical mode.
 2. Alleging non-compliance of order dated 10th December, 2019 passed in W.P. (C) No. 16631 of 2018, whereby Executive Officer, Banpur NAC in the district of Khordha (Opposite Party No.5) was directed to initiate eviction proceeding against the unauthorized encroachers in accordance with law and to complete the proceeding within four months from the date of receipt of certified copy of this order, the Petitioner has filed the present contempt petition.
 3. This Court directed the Opposite Parties vide order dated 15th December, 2021 to obtain instruction with regard to removal of encroachments. In the order dated 21st December, 2021 the following has been observed by this Court:-

“***

2. It is pointed out that there is some discrepancies with regard to actual encroachments made by different persons. Therefore, we would like to first examine the survey conducted for identifying the encroachments in the area in question before seeking a compliance report.”

4. Consequent upon said order, on 7th April, 2022 compliance affidavit dated 31st March, 2021 has been furnished in the Court by the counsel for the Opposite Parties and a copy thereof is served on the counsel for the Petitioner.

5. When the matter is taken up today, none appeared for the Petitioner.

6. Heard Mr. L. Samantaray, Additional Standing Counsel for the Opposite Parties. He submitted that pursuant to direction of this Court in the order dated 21st December, 2021 with regard to survey for identifying the encroachments in the impugned area, survey report prepared by the Revenue Inspector, Banpur has been forwarded by the Tahasildar, Banpur to the Executive Officer, Banpur NAC for taking further slips.

7. This Court is satisfied with regard to process initiated for identifying encroachments and steps being taken to comply with the direction of this Court vide order dated 10th December, 2019 passed in W.P.(C) No. 16631 of 2018. This Court finds no willful disobedience on the part of Opposite Party No.5.

8. This Court does not find it appropriate to continue with the contempt proceedings any further. Accordingly, the contemnor is discharged and the contempt petition is dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge