

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.5485 OF 2022

Sashi Bhusan Meher & anr.

....

Petitioners

Mr.S.K.Parida, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.3.2022**

**Order
No.**

1.

1. Heard learned counsel for the Parties.

2. The Writ Petition involves the following prayer :-

“It is therefore prayed that this Hon’ble Court may graciously be pleased to direct the Opp.Parties to consider the application of Petitioners dt.30.12.2021 for settlement of land in their favour being landless persons pending before the Opp.Party Nos.2 & 3 under Annexure-5 in accordance with law pursuant to letter under Annexure-6 for justice and equity within a specified time to be fixed by this Hon’ble Court...”

3. Referring to the representation of the Petitioners at Annexure-5, learned counsel for the Petitioners claimed for consideration of the same by the Tahasildar, Bheden, O.P.3. Learned counsel for the Petitioners drew the attention of this Court to the development taking place on such representation through Annexure-6.

4. There remains no doubt that for the provision at Section 8-A of the OPLE Act, 1972, such consideration was available in course of pendency of the proceeding under the Act. Considering the submission of the learned counsel for the Petitioners, looking to the Applications at Annexure-2 & 5 at this stage and the documents filed at Annexure-1 series, this Court finds, the father of the Petitioners being an Encroacher on acceptance of such decision of the Competent Authority has already deposited the fine, as appearing at Page-10 of the Brief. In the circumstance and for the development already taken place, this Court finds no Application for settlement at the instance of the Petitioners filed during pendency of any proceeding under the OPLE Act and thus such Application cannot be considered. In the circumstance, this Court declines to grant the relief claimed for. Petitioner, if has any other remedy under any other law may avail the same.

5. The Writ Petition thus stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout