

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5615 of 2022

Rabindra Malik

....

Petitioner

Mr. Niranjana Behera, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opposite Party Nos. 1 to 3)

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
18.04.2022**

Order No.

1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition prays for a direction to Tahasildar, Kanas-Opposite Party No.3 for early disposal of Demarcation Case No.14 of 2021 pending before him.
3. Mr. Behera, learned counsel for the Petitioner submits that pursuant to the application filed by the Petitioner along with one Rabindar Behera in proper format Demarcation Case No.14 of 2021 was initiated by Tahasildar, Kanas. Notice was also issued fixing 30th July, 2021 for demarcation of the land in question. Since then, the matter is still pending and no step has been taken by Tahasildar, Kanas for early disposal of the same.
4. It is submitted by Mr. Behera, learned counsel for the Petitioner that neither any civil, criminal nor any other proceeding is pending in respect to the land in question. There is also no legal impediment for early disposal of the

Demarcation Case. Due to inaction by the Tahasildar, Kanas- Opposite Party No.3, the Petitioner is seriously prejudiced.

5. Mr. Mishra, learned ASC submits that he has no instruction in the matter. However, if the Demarcation Case No.14 of 2021 is pending with Tahasildar, Kanas and there is no legal impediment for its disposal, the Tahasildar, Kanas should take early steps in that regard.

6. Taking into consideration the submissions made by learned counsel for the parties, this Court, without expressing any opinion on the merit of the case of the Petitioner, disposes of the writ petition with a direction that on production of certified copy of this order within a period of two weeks hence, the Tahasildar, Kanas- Opposite Party No.3 shall do well to consider and dispose of the Demarcation Case No.14 of 2021 as expeditiously as possible, preferably within a period of eight weeks there from, issuing notice to the Petitioner, Rabindra Behera as well as the boundary tenants to participate in the hearing of the Demarcation case and to be present at the time of demarcation of the land in question if there is no legal impediment.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge