

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7137 of 2022

Ajay Nanda

....

Petitioner

Mr. Chittaranjan Pattnaik, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(Opposite Party Nos. 1 to 5)

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

ORDER

30.03.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition claiming to be the son of one Bhagabana Nanda, who is one of the recorded tenants in respect of Khata 7549/545 under Khata No.2764/4423 measuring an area Ac.0.500 decimal of mouza Kuruda under Bahanaga tahasil in the district of Balasore (for short, the 'case land'), has filed this writ petition for a direction to the Tahasildar, Bahanaga – Opposite Party No.4 to demarcate the case land.
3. It is submitted by Mr. Pattnaik, learned counsel that the Petitioner has filed an application before the Sub-divisional Magistrate, Balasore for demarcation of the case land, which was endorsed to the Tahasildar, Bahanaga to do the needful. It is his submission that although the matter was endorsed to the Tahasildar, Bahanaga vide letter dated 14th February, 2022 (Annexure-2), but no action has yet been taken by the Tahasildar, Bahanaga for demarcation of the case land. Hence, this writ petition has been filed for the aforesaid relief.
4. Mr. Mishra, learned ASC submits that the application submitted to the Sub-divisional Magistrate, Balasore under

Annexure-3 for demarcation of the case land is not in proper format. Neither any relevant document annexed to the said application nor the requisite fees for demarcation has been paid. Letter under Annexure-2 issued by the Assistant Collector, (Revenue), office of Sub-Collector, Balasore does not indicate that a direction was made for demarcation of the case land. Since the Petitioner has not submitted nay application for demarcation proper format complete in all respect no step for demarcation could be taken. Further, the Petitioner has to establish his right to claim for demarcation of the case land by filing an application in proper format complete in all respect. In absence of the same, prayer made in the writ petition cannot be entertained.

5. 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 in the event the Petitioner makes an application in proper format along with requisite fees and documents for demarcation of the case land within a period of two weeks hence enclosing certified copy of this order and establishes that he has a right to claim for demarcation of the case land, the Tahasildar, Bahanaga shall do well to issue notice to the Petitioner as well as boundary tenants along with other recorded tenants or their legal heirs to participate in the hearing of the demarcation case and for demarcation of the case land, if there is no legal impediment.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge