

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7280 of 2022

Durga Charan Moharana and others* *Petitioners

Mr. G.C. Mohanty, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. S.N. Mishra,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

12.04.2022

Order No.

2. This matter is taken up through hybrid mode.
2. Petitioners in this writ petition prays for a direction for early disposal of their Demarcation Case filed before Tahasildar, Niali for demarcation of Plot No.2322 under Khata No.366 measuring an area Ac.0.029 decimal situated in mouza Anlo-1 under Niali tahasil in the district of Cuttack (for short, 'the case land').
3. It is submitted by learned counsel for the Petitioners that since the boundary tenants tried to encroach upon the case land and created disturbance in peaceful possession of the Petitioners they filed an application on 28th January, 2022 (Annexure-1) before Tahasildar, Niali for demarcation of the case land. Although there is no civil, criminal or any other proceeding pending in respect of the case land and there is no legal impediment for early disposal of the demarcation case, the Tahasildar is not taking any step in that regard. Hence, finding no other alternative this writ petition has been filed for the aforesaid relief.

4. Mr. Mishra, learned AGA submits that an application under Annexure-1 is not in proper format. It is also not known as to whether the Petitioners have paid requisite fees and filed relevant documents along with the application under Annexure-1. Hence, the Tahasildar, Niali is not able to demarcate the case land.

5. In view of the submissions made by learned counsel for the parties, this Court disposes of the writ petition with a direction that in the event Petitioners file an application for demarcation of the case land in proper format complete in all respect within a period of two weeks hence along with certified copy of this order, Tahasildar, Niali shall do well to consider the same in accordance with law as expeditiously as possible, preferably within a period of eight weeks there from by issuing notice to the Petitioners as well as boundary tenant(s) to participate in the hearing of the demarcation case and to be present at the time of 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