

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 137 of 2019

Annapurna Bijaya Devi

....

Appellant

M/s. G.N. Mishra, Advocate & Associates

-versus-

Collector, Dhenkanal and others

....

Respondents

Mr. Debakanta Mohanty, AGA for State

Mr. S.D. Das, Senior Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE M.S. RAMAN

ORDER

22.11.2022

Order No.

04. 1. The challenge in the present writ appeal is to an order dated 8th March, 2019 passed by the learned Single Judge declining to interfere in W.P.(C) No.156 of 2017 filed by the present Appellant, questioning an order passed by the Tahasildar, Dhenkanal on the objection raised by the contesting Respondent Nos.4 to 11 on whether there had been an encroachment by the present Appellant in Plot No.4151, Khata No.3470/635 of Dhenkanal Town.
2. While directing notice to issue in the present writ appeal on 16th April, 2019, this Court directed status quo as regards possession to be maintained by the parties.
3. Learned counsel for the Appellant raises the issue regarding jurisdiction of the Tahasildar to entertain the objection filed by the

Respondent Nos.4 to 11 on the ground that the property in question belonged to the Endowment Department.

4. The question whether the Tahasildar has jurisdiction to entertain the objection can also be raised before the Tahasildar himself by the Appellant. In that view of the matter, the Court is not inclined to interfere with the impugned order of the learned Single Judge. The parties will now appear before the Tahasildar on 2nd January, 2023. It will be open to the Appellant to raise all the issues including the issue concerning jurisdiction before the Tahasildar in accordance with law. The Tahasildar is requested to proceed with the matter and dispose it of within a period of 2 months from the aforementioned date. Till the disposal of such matter, the status quo order passed by this Court on 16th April, 2019 will continue.

5. The writ appeal is disposed of in the above terms.

6. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S. Behera