

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 7809 OF 2022

Sreeragam Exports Pvt. Ltd.

.... ***Petitioner***
Mr. J.K. Khandayatray,
Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
05.04.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. The Petitioner in this writ petition seeks to assail the demarcation reports dated 24th November, 2020 and 29th January, 2021 under Annexures-3 and 4 respectively submitted by the Tahasildar, Ranpur-Opposite Party No.5 holding that the Petitioner-Company has encroached upon certain Government land.
3. 3. It is submitted by Mr. Khandayatray, learned counsel for the Petitioner-Company that on the application made by some of the villagers of Katak Sahar under Ranpur Tahasil in the district of Nayagarh, demarcation of the land in question was made, wherein it was found that the Petitioner-Company has encroached upon 20 Kadi of Government land. It is further submitted that no notice whatsoever was served on the Petitioner to be present at the time of demarcation. The description of the land so demarcated was also not indicated in the demarcation reports under Annexures-3 and 4.

As such, the demarcation reports under Annexures-3 and 4 are not sustainable and are liable to be set aside.

4. Mr. Mishra, learned Additional Government Advocate submits that since the demarcation reports under Annexures-3 and 4 indicate that the Petitioner-Company has encroached upon some Government land, interest of justice will be best served, if the Petitioner-Company makes an application for demarcation of its recorded land by filing a petition in proper format along with requisite fee and relevant documents.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that the measurement of the land in question is made under Rule 38 of the Orissa Survey and Settlement Rules, 1962 for maintenance of revenue records. If the Petitioner-Company is not satisfied with the demarcation reports submitted under Annexures-3 and 4, it may move the Tahasildar, Ranpur-Opposite Party No.5 for demarcation of its recorded land by filing an application in proper format along with requisite fee and relevant documents.

6. Hence, this Court without delving into the merits of the allegation made in the writ petition disposes of the same with a direction that in the event Petitioner-Company makes an application for demarcation of its recorded land in proper format along with requisite fee and relevant documents, the Tahasildar, Ranpur-Opposite Party No.5 shall do well to consider the same in accordance with law and make an endeavour for its disposal as expeditiously as possible preferably within a period of eight weeks therefrom by issuing notice to the Petitioner-Company as well as boundary tenants along with concerned Government officials to

participate in the hearing of the demarcation case as well as to be present at the time of demarcation, if there is no legal impediment.

Urgent certified copy of this order be granted on proper application.

bks

(K.R. Mohapatra)
Judge

