

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 8852 OF 2022

Sk. Zabir

.... Petitioner

Miss Pratyusha Naidu, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

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

**ORDER
13.04.2022**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction for early disposal of Demarcation Case No.03 of 2022 pending before the Tahasildar, Kishannagar-Opposite Party No.3.
3. Miss Naidu, learned counsel for the Petitioner submits that the Petitioner is a bona fide purchaser of the land sought to be demarcated. Since the boundary tenants are creating disturbance in the peaceful possession of the Petitioner, he filed Demarcation Case No.03 of 2022, which is pending before the Tahasildar, Kishannagar-Opposite Party No.3. It is her submission that any civil, criminal or other proceeding is pending in respect of the land in question and there is also no legal impediment for early disposal of the demarcation case. Since no step is taken by the Tahasildar, Kishannagar for early disposal of the demarcation case, the Petitioner is seriously prejudiced for which he is constrained to file this writ petition.
4. Mr. Mishra, learned Additional Standing Counsel submits that he has no instruction with regard to the status of the demarcation case. However, the demarcation case, if pending,

may be disposed of at an early date, if there is no legal impediment.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction that on production of certified copy of this order within two weeks hence, the Tahasildar, Kishannagar-Opposite Party No.3 shall do well to consider and dispose of Demarcation Case No.03 of 2022 pending before him in accordance with law as expeditiously as possible, preferably within a period of eight weeks therefrom by issuing notice to the Petitioner as well as boundary tenants to participate in the hearing to 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.

(K.R. Mohapatra)
Judge

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