

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.2486 of 2022

Debendra Mallick and others

Petitioners

Mr. Gyanendra Chandra Swain, Advocate

-versus-

Anita Nayak Tahasildar,
Basudevpur

Opp.Party

Mr. M.K.Khuntia, AGA

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S.SAHOO

ORDER

6.12.2022

Order No.

Hybrid Mode

04.

1. By filing the present petition, the petitioners alleges non-compliance of the order passed by this Court dated 24.08.2021 disposing of W.P.(C) No.20348 of 2021 and pray the Court to proceed against the opposite party as per the provisions of the Contempt of Courts Act, 1971.

2. By earlier order dated 06.05.2022 this Court issued notice to the opposite party-Tahsildar, Basudevpur in the district of Bhadrak and it was observed compliance report has to be filed failing which the official concerned should be personally present by the next date i.e. on 12th August, 2022.

On 12th August, 2022 learned Additional Government Advocate appearing for the State placed on record two letters dated 12th August, 2022 from the then Tahsildar, Basudevpur explaining reasons for non-filing of the compliance report and also the reasons for not appearing before the Court in compliance of the earlier order dated 06.05.22022. The plea of the opposite party was accepted and the matter was directed to be listed on 2nd December, 2022. On 2nd December, 2022 the compliance affidavit was not filed nor the officer was present as directed having failed to file compliance affidavit. On behalf of the officer, a prayer was made to grant further time and the

matter was directed to be listed on 6th of December, 2022 and accordingly, the matter is listed today.

3. It is submitted by learned AGA that compliance affidavit dated 05.12.2022 has been filed by e-filing on 05.12.2022 and the incumbent-Tahsildar, Shri Saubhagya Ranjan Panda is present as directed by earlier orders. In the compliance affidavit, details of the steps taken for compliance of this Court's order dated 24.08.2021 has been stated and relevant paragraphs are quoted herein :

“5. That, the prayer of the petitioners is to evict the illegal encroachers from the Government land situated at Village Bachhada in the Dist. Of Bhadrak, which is in nature of Pani Nala and Gochar.

6. That, it is most respectfully and humbly submitted that in obedience to the order of this Hon'ble Court dated 24.8.2021, the illegal encroachers have already been evicted by the Opp. Party from the land in question on 3.12.2022 in presence of the petitioner No.3-Sri Nirmal Sahoo, which would reveal from the Office Order dated 3.12.2022 and the Photographs taken on the spot on the said date. Copies of order dated 3.12.2022 and relevant Photographs are annexed herewith as Annexure-A series.

7. That, compliance of above order took time because of the fact that during the relevant time due to heavy rain the linking road was damaged and both side canals were blocked with mud. The rain water was not flowing easily and creating flood situation over the road side villages.”

4. Learned counsel for the petitioners who has been served with a copy of compliance affidavit, does not dispute the averments made therein, in paragraphs 5, 6 & 7, however, states there could be some more encroachments of the Government land that are yet to be removed.

5. In considered opinion of this Court, the order passed by this Court dated 24.08.2022 disposing of W.P.(C) No. 2486 of 2021 has been substantially complied with rendering the present contempt petition infructuous.

Accordingly, the contempt petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

6th December, 2022
Cuttack

dutta

