

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.8185 of 2019
(Through Hybrid mode)

Shyamsundar Sahu

....

Petitioner

Mr. J. J. Mohanty, Advocate

-versus-

***Commissioner Endowment, BBSR
and others***

Opposite Parties

Mr. A. K. Nath, Advocate for O.P.1

Mr. A. K. Nanda, AGA

CORAM:

**JUSTICE ARINDAM SINHA
JUSTICE SANJAY KUMAR MISHRA**

**ORDER
01.11.2022**

Order No.

03. 1. Mr. Mohanty, learned senior advocate appears on behalf of petitioner and submits, there has been judgment dated 12th April, 2018, whereby Court of the Commissioner had held that judgment debtor needed to be evicted. The Collector, Puri has not acted pursuant thereto.
2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and points out that judgment debtor has not been made party in the writ petition.

3. Two paragraphs from the judgment are extracted and reproduced below.

“Thus, considering the unchallenged testimony of the petitioner and the document placed on record I may say that possession of schedule land by O.P. is against the spirit of law, and therefore he needs eviction.

Accordingly, the petition filed U/S.25 of the O.H.R.E. Act is allowed. Issue requisition to the Collector, Puri for eviction of O.P. from the case land and to give delivery possession of the same to the case deity through its Authorised Agent.”

4. On query from Court parties have not been able to show any appeal was preferred from the judgment. In the circumstances, opposite party no.2 is directed to initiate or if already initiated, proceed with the evicting judgment debtor. The requisition made by the judgment is to be complied with within three months from communication of this order to said opposite party.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

(S. K. Mishra)
Judge