

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.9707 of 2022**

***Sanjukta Pujari***

....

***Petitioner(s)***

Mr. K.K. Mishra,  
Advocate

*-versus-*

***State of Odisha & Ors.***

....

***Opposite Party(s)***

Mr. S. Ghose,  
Addl. Standing Counsel

**CORAM:**

**JUSTICE BISWANATH RATH**

**ORDER**

**19.04.2022**

**Order No.**

01.

1. Learned counsel for the Petitioner admits that there is encroachment proceeding vide OPLE Case No.951 of 2010 and not only the OPLE proceeding has gone against the Petitioner but even the Petitioner has also deposited the penalty amount of Rs.500/- vide receipt No.13006. Presently there is no challenge pending involving such application. Learned counsel for the Petitioner, however, submits that the encroacher being a Scheduled Tribe person having no education could not explain the authority and the matter has been decided with the conclusions at page 29 & 30.

2. Looking to the plea of the Petitioner and the discussion therein this Court finds, the particular area in the meantime has been recorded in the name of the G.A. Department and in a subsequent development there has been transfer of the land to the District Judiciary for construction of the Staff Quarters etc. It further also discloses that the husband of the encroacher is a Government employee and presently

working as Head-Typist in a Government Establishment and further there is also observation that the Petitioner is not a landless person.

Be that as it may, this Court without entering into controversies as to whether the Petitioner is landless or not, but however, taking note of the discussions and the material consideration that the Petitioner has already lost in a OPLE proceeding and secondly the land is already recorded in the name of the G.A. Department and the same is subsequently transferred to the District Judiciary, this Court while declining to interfere in the impugned order, however recording the undertaking of the Petitioner through her counsel that she will vacate the disputed site within a period of ten weeks hence, further her case for alternate allotment may be considered by the Collector of the District in any other scheme. This Court while directing the Petitioner to vacate the disputed land within ten weeks, permits her to file an application before the District Collector for considering for allotment of land in any other area. In the event the Petitioner vacates the land and makes an application, the same may be considered but after entering into an inquiry to find-out if the Petitioner is in fact a landless lady and her husband does not have own land in the State.

3. The writ petition stands disposed of with the above order.

***(Biswanath Rath)***  
***Judge***