

IN THE HIGH COURT OF ORISSA AT CUTTACK

O.J.C. No.7359 of 2000

Bansidhar Sahoo

....

Petitioner(s)

Mr.P.K.Nayak-1,Advocate

-versus-

State of Orissa & Ors.

....

Opposite Party(s)

Mr.R.P.Mohapatra,
AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
09.03.2022**

Misc. Case Nos.44 & 123 of 2017

Order No.

13.

1. Heard the rival contentions of learned counsel appearing for the Parties. It appears, originally this writ petition was filed with the following prayer.

“It is therefore prayed that:

- a) The writ application may be allowed.
 - b) A writ in the nature of mandamus may be issued directing the Opp. Parties to give possession of the Plot No.A/93, Nayapalli, Bhubaneswar by evicting the unauthorised occupant within a stipulated time,
 - c) The Opp. Parties may also be directed to suitably compensate the petitioner for the loss sustained due to inordinate delay in giving possession of the aforesaid plot.
- And such other writ(s)/ order(s) direction(s) may be passed in giving complete relief to the petitioner as deem fit and proper.

And for which act of kindness, the petitioner shall as in duty bound ever pray.”

2. Pursuant to notice, a counter affidavit has come on record. In course of hearing on 20.07.2016, it appears finding difficulty in handing over of Plot No.A/93, Nayapalli, a coordinate Bench of this Court giving due regard to the submission of respective parties come to observe as follows.

“Heard.

Order dated 27.11.2014 has not yet been complied with and no instruction has been received regarding handing over possession of the land to the petitioners, though they have already deposited the premium and allotment order has been passed vide Annexure-4.

Learned Addl. Govt. Advocate prays for two weeks time to obtain instruction.

List this matter three weeks after and I want that the possession of the land in question or any other vacant habitable land of the same extent be allotted in favour of the petitioners by the next date.”

3. It appears the matter after some adjournments was next taken up for further hearing on 25.10.2016. Keeping in view the statement of Land Officer present in Court that there is already identification of land and for handing over possession to the petitioner and a request was made to the coordinate Bench that for there is some legal process pending, handing over possession may take some time, by order dated 25.10.2016, this Court recording the statement of Land Officer directed that they shall comply the order dated 20.07.2016 within three months. Thereafter there is no listing of this case. However in the meantime finding inconvenience in working out the order dated 20.07.2016, the opposite party No.2 has filed Misc. Case No.44 of 2017 in this Court seeking grant of three months more time to work out the order dated 20.07.2016, which appears to be still pending but however the petition has gone infructuous for lapse of several years in the meantime. This case is taken up today. This Court finds even after lapse of time in Misc. Case No.44 of 2017, there has been no compliance of the commitment of the Land Officer present in court on that date. This Court here finds for the subsequent development, there has been going away from the original dispute and prayer involving the writ petition and the present case stands absolutely on different footing involving assurance by OP-2.

4. Be that as it may, since the Land Officer of the State Authority has already committed the Court for handing another piece of land already identified to the petitioner making litigation free and considering there has been asking of sometime in the year 2017, five years passed in the meantime, this

Court finds the writ petition is not required to be retained any further except in disposal directing the opposite parties to comply their commitment to this Court by order dated 20.07.2016 and 25.10.2016 by undertaking complete exercise within a period of three months from the date of communication of this order failing which it will be construed to be clear contempt for violation of Court's repeated orders.

5. Writ petition thus stands disposed of.

(Biswanath Rath)
Judge

Sks

