IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 438 of 2015

Daitari Prasad Rout & others .... ***Petitioners***

Mr. Kishore Chandra Pradhan, Advocate

-versus-

Sanatan Mallik, Collector, Balasore & others .... ***Opp. Parties/ Contemnors***

Mr. L. Samantaray, Addl. Govt. Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. SAHOO

ORDER

Order No. **07.01.2022**

03. **1.** This matter is taken up through hybrid mode.

2. The petitioner has filed the present contempt petition alleging the non-compliance of the order dated 17.11.2014 passed by this Court disposing of the W.P.(C) No.2621 of 2014. The operative portion of the said order dated 17.11.2014 is reproduced herein:-

> *"Upon hearing the learned counsel for the parties and on a conjoint consideration of the order dated 15.10.2014 passed by this Court and the letter dated 11.11.2014, referred to the above, we close this proceeding by requiring the opposite party No.3 to ensure that the encroachments are removed latest by January, 2015 without fail. We make it clear that in case they fail to do the needful by the dead line fixed by us, it would per se be constructed to be disobedience of the order of this Court entailing action under the Contempt of Courts Act, 1971. Needless to say that the Collector, Balasore and the Superintendent of Police, Balasore would cooperate in the process."*

3. Compliance affidavit has been filed by opposite party no.3-Tahasildar-in-charge, Oupada which indicates in detail, the steps taken and the manner of compliance of the order passed by this Court. Relevant portion is quoted herein:-

> ***"Para.4.*** *That it is humbly submitted that as per Opposite Party No.3 has already evicted the encroacher Sri Sarat Kumar Rout from the Govt. Land over Plot No.326 an Area of Ac 0.04 dec. under Khata No.183 and Plot No.319 an Area Ac 0.03 dec. under Khata No.184 in Mouza-Talakia on dated 20.1.2015 by instituting LE Case No.22/12 and LE Case No.24/12 respectively along with other encroachers over the above two Khatas.*
>
> *Photo copy of the said case records is annexed herewith as Annexure-A/3 & B/3 respectively.*
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> *It is further humbly submitted that the Opp. Party No.3 the then Tahasildar, Oupada Sri Janakinath Mishra had taken following steps for eviction of the above encroached land.*
>
> *i) The Collector, Balasore was requested to place funds for the said eviction vide Letter No.1743 dated 27.09.2014 and the ADM, Balasore had sanctioned Rs.50,000/- vide Letter No.2104/Rev. dated 15.11.2014 for above eviction.*
>
> *Copy of the letter No.1743 dated 27.09.2014 & Letter No.2104/Rev. dated 15.11.2014 is annexed herewith as Annexure-C/3 & D/3 respectively.*
>
> *ii) The Superintendent of Police, Balasore was requested for providing Police force for the said eviction vide Letter No.15 dated 02.01.2015.*
>
> *Copy of the letter No.15 dated 02.01.2015 is annexed herewith as Annexure-E/3.*
>
> *iii) Executive Magistrate was deployed for the said eviction with intimation to Sub-Collector, Nilgiri vide this office Letter No.112 dated 15.01.2015.*
>
> *Copy of the letter No.112 dated 15.01.2015 is annexed herewith as Annexure-F/3.*

iv) JCBs were engaged for eviction of encroachments for dated 20.01.11 & 21.01.11 vide Letter No.125 dated 16.01.2015.

Copy of the letter No.125 dated 16.01.2015 is annexed herewith as Annexure-G/3."

4. Learned counsel for the petitioners on instruction submits that there has been some encroachment of the area post the eviction.

5. In our considered opinion, any subsequent event after the compliance of the order passed by this Court, is not relevant for adjudication of the present contempt petition.

6. Accordingly, the contempt proceeding is dropped, the order dated 17.11.2014 passed in W.P.(C) No.2621 of 2014 having been complied with.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

January 7th, 2022
Cuttack

RRJena/GS