

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5384 of 2015

Moumitra Mitra

....

Petitioner

Mr. R.K. Rout,
Advocate

-versus-

***Chief Secy. to Govt. of Odisha,
BBSR & Ors.***

....

Opposite Parties

Mr. U.K. Sahoo,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
22.06.2022**

Order No.

18. 1. This matter has been extensively heard by a Co-ordinate Bench of this Court, who vide its order dated 7.04.2022 & 27.04.2022 has passed the following :-

“07.04.2022

1. This matter is taken up through hybrid mode.
2. Mr. Mishra, learned Additional Standing Counsel submits that in order to comply with the order dated 17th February, 2020, he has intimated the Tahasildar, Jatni to provide Hal Plot number corresponding to Sabik Plot No.497/1544 under Sabik Khata No. 255/314 of mouza Ogalapada. In spite of his repeated requests, there is no response from the Tahasildar, Jatni.
3. In that view of the matter, this Court directs that the Tahasildar, Jatni shall appear in person before this Court at 10.30 A.M. on

27th April, 2022 along with instruction to assist the Court.

4. Registry is directed to communicate this order to the Tahasildar, Jatni forthwith. A copy of this order shall also be communicated to the Collector, Khurda to communicate the same to the Tahasildar, Jatni.
5. A copy of this order shall be handed over to Mr. Mishra, learned Additional Standing Counsel for intimation to the Tahasildar, Jatni.”

“27.04.2022

1. This matter is taken up through hybrid mode.
2. Pursuant to the direction of this Court dated 7th April, 2022, Shri Tapan Kumar Mohapatra, Tahasildar, Jatni is present in Court and files an affidavit begging unconditional apology for compliance of the direction of this Court.
3. Mr. Mishra, learned Additional Standing Counsel submits that the records of Sabik Plot No.497/1544 under Sabik Khata No.255/314 of mouza Ogalapada could not be traced out. However, the Tahasildar, Jatni, if directed, will carve out the said plot.
4. In view of the submission made by Mr. Mishra, learned Additional Standing Counsel, this Court is of the considered opinion that an opportunity should be given to Shri Tapan Kumar Mohapatra, Tahasildar, Jatni to trace out the records of Sabik Plot No.497/1544 under Sabik Khata No.255/314 in mouza Ogalapada and to carve out the aforesaid plot leased out in

favour of the Petitioners. Shri Tapan Kumar Mohapatra, Tahasildar, Jatni prays for one month time to do the needful.

5. Put up this matter on 22nd June, 2022 by which date the Tahasildar, Jatni shall intimate the Court about the subsequent developments.
6. Personal appearance of Shri Tapan Kumar Mohapatra, Tahasildar, Jatni is dispensed with for the time being.”

2. Today on the next listing of the matter Mr. Sahoo, learned State Counsel submits that he has no instruction in the meantime.

3. Considering the claim of the Petitioner this Court finds, there has already been a decision by this Court in the previous order, nothing is left to be decided presently. Learned State Counsel also appears to be on same footing. In the process, this Court disposes of this writ petition with a direction to the Tahasildar, Jatni to work-out the direction in the order dated 27.04.2022, if not worked out in the meantime, within a period of four weeks from the date of communication of an authenticated copy of this order by the Petitioner, but however, with involvement of the Petitioner.

4. The writ petition stands disposed of with the above direction.

5. Free copy of this order be handed over to the learned State Counsel for necessary communication.

(Biswanath Rath)
Judge