

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 10566 OF 2022

Gopal Jena and others

.... Petitioners

Mr. Arjuna Ch. Behera, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Dillip Kumar Mishra,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

04.05.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition seek for a direction to the Tahasildar, Khaira-Opposite Party No.3 to demarcate the land in respect of Plot No. 1635 to an extent of Ac.0.0600 decimals under Khata No. 301 situated in mouza Garasankha under Khaira Tahasil in the district of Balasore (for short 'the case land') within a stipulated time.
3. Mr. Behera, learned counsel for the Petitioners submits that the case land is recorded as Rasta in the name of the Petitioners, who are recorded tenants. Taking advantage of kissam of recording (Rasta), the adjacent land owners are trying to encroach upon the same. Hence, the Petitioners filed an application for demarcation of the case land on 8th March, 2022, which has not yet been considered by the Tahasildar, Khaira. Hence, the Petitioners finding no other alternative have approached this Court in the present writ petition.

4. Mr. Mishra, learned Additional Government Advocate submits that the Petitioners are required to submit an application for demarcation of the case land in proper format enclosing relevant documents. In the event such an application is filed, the Tahasildar, Khaira will be in a position to consider the grievance of the Petitioners in accordance with law.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on the merits of the case disposes of this writ petition with a direction that in the event the Petitioners file an application for demarcation of the case land in proper format complete in all respect along with certified copy of this order within a period of two weeks hence, the Tahasildar, Khaira- Opposite Party No.3 shall do well to consider and dispose of the same as expeditiously as possible preferably within a period of eight weeks therefrom by issuing notice to the Petitioners as well as boundary tenants to participate in the hearing of the demarcation case and also to be present at the time of demarcation of the land, if there is no legal impediment.

6. A copy of this order be supplied to Mr. Mishra, learned Additional Government Advocate for communication and compliance.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks