

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 10633 OF 2022

Panchanan Behera

.... Petitioner

Mr. Himansu Sekhar Deo, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

09.05.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. This matter was not there in today's list. On being mentioned by Mr. Deo, learned counsel for the Petitioner submitting that similar matter in W.P.(C) No.10712 of 2022 is listed today in the supplementary cause list and to take up this writ petition along with W.P.(C) No.10712 of 2022, this matter is taken up by a special cause list.
3. 3. The Petitioner in this writ petition seeks for a direction to the Tahasildar, Tigiria-Opposite Party No.2 to demarcate Plot No.301 to an extent of Ac.0.030 decimals under Khata No. 202 situated in mouza Jemadeipurpatna under Tigiria Tahasil in the district of Cuttack (for short 'the case land') and dispose of Demarcation Case No.38 of 2020 pending before him at an early date.
4. 4. It is submitted by Mr. Deo, learned counsel for the Petitioner that since the boundary tenants are creating disturbance in the peaceful possession of the Petitioner, he has filed an application along with relevant documents for demarcation of the case land.

He further submits that there is no civil suit, revenue or other proceeding pending in respect of the land in question and there is no legal impediment for demarcation of the case land. In that view of the matter, he prays for a direction for the aforesaid relief.

5. Mr. Mishra, learned Additional Government Advocate submits that he has no instruction in the matter. However, if such application in proper format is pending before the Tahasildar, Tigiria, he may be directed to consider the same in accordance with law at an early date, if there is no legal impediment.

6. Taking into consideration the submissions of 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 the Tahasildar, Tigiria-Opposite Party No.2 shall make an endeavour for early disposal of Demarcation Case No. 38 of 2020 as expeditiously as possible preferably within a period of eight weeks from the date of production of certified copy of this order, if the Petitioner establishes that he is entitled to the prayer for demarcation of the said land, by issuing notice to the Petitioner as well as boundary tenants to participate in the hearing of the demarcation case and to be present at the time of demarcation of the land, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge

bks