

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 10891 OF 2022

Ullash Chandra Mohanty* *Petitioner

Mr. Satyajit Pattanaik, Advocate

-versus-

State of Odisha and others* *Opp. Parties

Mr. Swayambhu Mishra,

Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

13.05.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition seeks for a direction to the Tahasildar, Balikuda-Opposite Party No.2 to demarcate Plot No.149/565 to an extent of Ac.0.48 decimals under Khata No.79/16 situated in mouza Keutapal under Balikuda Tahasil in the district of Jagatsinghpur (for short 'the case land').
 3. It is submitted by Mr. Pattanaik, 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.
 4. Mr. Mishra, learned Additional Standing Counsel submits that in spite of the direction of Tahasildar, Balikuda, the Petitioner

has not yet produced the relevant documents and information with regard to pendency of civil, revenue and criminal proceeding, if any, in respect of the subject matter of dispute. Hence, the demarcation could not be made as yet. However, if such application in proper format is pending before the Tahasildar, Balikuda, he may be directed to consider the same in accordance with law at an early date, if there is no legal impediment.

5. 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 in the event the Petitioner files a fresh application before the Tahasildar, Balikuda-Opposite Party No.2 for demarcation of the case land in proper format along with requisite fee and relevant documents within a period of two weeks hence as well as certified copy of this order and proves that he is competent to make such an application, the Tahasildar, Balikuda-Opposite Party No.2 shall entertain the same and do the needful in accordance with law within a period of three months therefrom giving notice to the Petitioner as well as the boundary tenants to participate in the hearing of such application and also to be present at the time of demarcation, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge

bks