

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 11594 of 2022

Dillip Jena

....

Petitioner(s)

Mr.S.K.Nayak, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.S.Ghose, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.06.2022**

Order No.

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1. Heard learned counsel appearing for the parties.
2. This writ petition involves the following prayer:

“The petitioner therefore prays that, the Hon’ble Court be pleased to admit this application and after hearing the petitioner’s advocate issue a writ in nature of mandamus or any other suitable writ directing to the Tahasildar, Kendrapara to evict the unauthorise construction of building by the Sarpanch of Ostapur Grama Panchayat on the Gochar Land i.e. Plot No.142 under Khata No.826 of Mouza-Biraswati by initiating an encroachment case against him;

And/or pass any other order(s)/ direction(s) as this Hon’ble Court deems just and proper in the interest of justice and equity;

And for this act of kindness the petitioner as in duty bound shall ever pray.”

3. This writ petition involves initiation of a proceeding against opposite party no.4 involving unauthorized encroachment and illegal construction over Gochar land. Instruction has been obtained by learned State Counsel even before admission and on production of the para-wise comment of the authority concerned. This Court finds, considering the grievance of the petitioner, the

Tahasildar concerned has already conducted an inquiry through the Revenue Inspector and Revenue Inspector report since disclosed unauthorized encroachment and illegal construction over the Gochar plot, the competent authority has already initiated encroachment case bearing No.2 of 2022. Even notice is already issued therein fixing the case to 10.06.2022, for there is already initiation of Encroachment Case No.2 of 2022, this Court finds no direction is required to be issued involving the writ petition except observing the Encroachment Case No.2 of 2022 be decided on merit involving all parties concerned by undertaking such exercise within a period of three months from the date of communication of certified copy of this order. In the event of urgent necessity to stop the construction, an application be filed before the Tahasildar, who shall also do well in considering the same for interim protection, if any.

3. The writ petition stands disposed of with the observation and direction made hereinabove.

(Biswanath Rath)
Judge