

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11993 of 2022

Dwaipayan Pattanaik

....

Petitioner(s)

Miss S. Mohapatra,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. S. Ghose,
Addl. Standing Counsel

CORAM:

JUSTICE BISWANATH RATH

ORDER

12.05.2022

Order No.

1. 1. This writ petition involves a challenge to the working of the Estate Officer, G.A. & P.G. Department on initiation of a O.P.P. Case No.15/2022(L). However, drawing the attention of this Court to the previous order of this Court in disposal of the writ petition vide W.P.(C) No.32874 of 2021, learned counsel for the Petitioner contended that the Petitioner struggles for his claim over the disputed patch of land before the competent authority and this proceeding is initiated at the instance of the of the G.A. Department again involving the selfsame issue. Attention of this Court is drawn to the correspondences to different authorities at Annexures-5, 6, 7 & 8. It is admitted that the Petitioner has encroached a very minimal land of the State and the proceeding is undertaken involving a larger patch of land. It is submitted that when the Petitioner is in encroachment of a small patch of land very much adjacent to the

land of the Petitioner and there is no requirement for initiation of such O.P.P. proceeding and the Petitioner is being harassed.

2. Considering the allegation made by the learned counsel for Petitioner and looking to the stage of the proceeding, this Court finds difficulty to interfere in such proceeding at this stage. In the process while disposing of the writ petition, this Court keeping in view the development that the Petitioner has already made a claim for settlement of this land in his favour before the G.A. Department pending consideration at this moment, observes, while undertaking the exercise involving the O.P.P. Case No.15/2022(L), there should also be consideration of the application of the Petitioner for settlement of such small patch of land in favour of the Petitioner by the G.A. Department, further also undertaking a measurement exercise with the involvement of the Petitioner as well as the competent authority to avoid confusion involving the extent of land occupied by the Petitioner.

It is, in the above circumstance and as this Court finds, the writ petition is not entertainable at this stage, this Court directs the Opposite Party No.1 to consider the claim of the Petitioner in the matter of settlement of the land in possession of the Petitioner and take a final decision on the application of the Petitioner, if pending, at their end, by completing such proceeding within a period of one & half months from the date of appearance of the Petitioner. In the process this Court also directs the Estate Officer, G.A. & P.G. Department to undertake an on spot visiting exercise to get the actual area under the possession of the Petitioner by way of encroachment and also to bring information as to if such land is adjusted on payment with the Petitioner and nobody else is suffering and such a report be also obtained in the involvement of the G.A. &

P.G. Department, by completing the entire exercise within a period of three weeks from the date of communication of this order by the Petitioner. Petitioner undertakes to appear before the competent authority alongwith a copy of this order and take the date of spot visit. Final outcome in the O.P.P. Case No.15/2022 (L) shall not only be dependent on the report to be submitted, but also be dependent on the decision of the G.A. Department to be taken on the pending application of the Petitioner in the meantime.

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

(Biswanath Rath)
Judge

Ayaskanta Jena

