

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13816 of 2022

Pranati Priyadarshini Dash

....

Petitioner(s)

Mr. S.K. Nayak,
Advocate

-versus-

State of Orissa & Ors.

....

Opposite Party(s)

Mr. S.P. Panda,
Addl. Govt. Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER
15.07.2022

Order No.

04.

1. The writ petition involves an allegation that when the order at Annexure-4 involving Encroachment Case No.209/2022 was issued with particular plot numbers, but the final notice of eviction at Annexure-5 is issued involving the Petitioner in respect of the Encroachment Case No.212/2022. For raising of doubt for inappropriate undertaking of proceeding by the authority, this Court by its earlier order directed for production of record.

2. Today in course of hearing the Tahasildar concerned is present with record. This Court on perusal of the case record finds, the Petitioner in fact is involved in Encroachment Case No.209/2022 involving Khasada No.345 and plot No.383. In comparison to the case record, this Court finds, in fact the present Petitioner is involved in Encroachment Case No.209/2022 and the proceeding is also concluded under such registration, but however while issuing final notice of eviction after determination of the Petitioner as an encroacher, the notice though mistakenly indicates the wrong case number in respect of

all the encroachers there, but at the same time this Court finds, there has been correct disclosures of the Khata number and Plot number under Annexure-5 involving the Petitioner. This Court takes note of the document at Annexure-5 and since the Petitioner is already involved in Encroachment Case No.209 of 2022 involving plot number involved in Annexure-5, this Court considering that there is typographical error in the indication of the case number involving the Petitioner, finds no scope for interfering in such orders, except observing that the name of the Petitioner is already indicated in the order at Annexure-5 so far it relates to her case being registered as Encroachment Case No.209/2022. This Court here records that the other three persons in the order at Annexure-5 have already vacated the disputed land in question and the Petitioner is not vacating for the pendency of the writ petition. It is for the competent authority to follow the course based on Annexure-5.

3. This Court, in the circumstance, declines to interfere in the impugned order.
4. The writ petition stands dismissed.
5. Free copy of this order be handed over to the learned State Counsel for necessary communication.

(Biswanath Rath)
Judge