

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14139 OF 2022

Anam Kumar Baug

.... Petitioner

Mr. Arjuna Charana Behera, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Debakanta Mohanty,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE M.S. RAMAN

ORDER

17.06.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The grievance of the Petitioner in this writ petition is with regard to inaction of the Tahasildar-cum-Executive Magistrate, Basta-Opposite Party No.3 in initiating appropriate proceeding for eviction of unauthorized encroachment made by Opposite Party Nos.4 to 7.
3. Mr. Behera, learned counsel for the Petitioner submits that Plot No.441 under Khata No.275 situated in Mouza Dundakot under Basta Tahasil in the district of Balasore is a “Gochar” kissam of land (for short ‘the case land’). The Opposite Party Nos.4 to 7 without any semblance of right over the same are digging earth from the case land by encroaching upon the same. When the Petitioner, who is a resident of Dundakot village along with others made a protest against such action, they were threatened with dire consequence. Thus, the Petitioner has made a representation to the Tahasildar, Basta on 23rd March, 2022 as at Annexure-2 to take necessary action for

eviction of Opposite Party Nos.4 to 7 from the case land. But, no action has yet been taken on the same. Hence, the Petitioner finding no other alternative has filed this writ petition.

4. Mr. Mohanty, learned Additional Government Advocate submits that he has no instruction in the matter. There is also no endorsement of acknowledgement of Annexure-2 by the Tahasildar, Basta. If the Petitioner has any grievance, he may file a fresh representation before the Tahasildar, Basta, which may be considered in accordance with law.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction that in the event the Petitioner makes a fresh representation detailing his grievance to the Tahasildar, Basta-Opposite Party No.3 along with certified copy of this order within a period of three weeks hence, he shall do well to consider the same in accordance with law as expeditiously as possible preferably within a period of two months therefrom. If the Opposite Party No.3 finds that there is encroachment over the case land, necessary proceeding for eviction of Opposite Party Nos. 4 to 7 shall be initiated against them and action as per law shall be taken in the matter.

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

(K.R. Mohapatra)
Vacation Judge

(M.S. Raman)
Vacation Judge