

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 3771 OF 2022

Biswanath Bagarte and others **Petitioners**

Mr. Kali Prasad Mohanty, Advocate

-versus-

Chanchal Rana, I.A.S. **Opposite Party**

Mr. P.K.Mohanty, ASC

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S.SAHOO

ORDER

12.12.2022

Order No.

Hybrid Mode

1. 1. By filing the present petition, the petitioners allege non-compliance of the order passed by this Court dated 17.03.2021 disposing of W.P.(C) No.4508 of 2021 and further prays the Court to proceed against the opposite party as per the provisions of the Contempt of Courts Act, 1971.
2. Though the petitioners allege non-compliance of the order dated 17.3.2021 passed by this Court disposing of W.P.(C) No. 4508 of 2021, the details of the steps taken by the authorities pursuant to the orders passed by this Court, have been fairly disclosed by the petitioners in the present petition, viz., the opposite party No.1-Collector fixed a date of hearing, i.e., 24.06.2021 noticing the petitioners the petitioners appeared, put forth their grievances and also placed certain records like the revenue record of rights to substantiate their contention. The Collector instructed the Tahsildar, Muribahal over phone to take action i.e., to cause measurement of the alleged area of encroachment. Thereafter the petitioners represented before the Revenue Divisional Commissioner, Northern Division, Sambalpur through letter dated 28.6.2021 which was forwarded

to the Collector, Bolangir. The Collector vide his letter dated 23.7.2021 forwarded the grievance petition of the petitioners to the Tahsildar and encroachments were also removed.

3. Further case of the petitioners is that as there could be some more encroachments and they are not satisfied with the measurement conducted by the Revenue authorities like the Revenue Inspector, this Court should exercise its jurisdiction under the Contempt of Courts Act for non-compliance of this Court's order.

4. As discussed above, the petitioners on their own showing have indicated the steps taken for compliance which has resulted in removal of the encroachments.

Further grievance of the petitioners, if any, are beyond the scope of jurisdiction of this Court that can be exercised under the Contempt of Courts Act.

5. At this juncture, after having failed to persuade this Court to exercise its jurisdiction under the Contempt of Courts Act, for issuance of notice to the opposite parties, learned counsel for petitioners files a Memo dated 12.01.2022 for withdrawal of the petition.

Accordingly, the petition is dismissed.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

12th December, 2022
Cuttack

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