

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14247 of 2022

Aniruddha Behera

....

Petitioner(s)

Mr. P.K. Nayak,
Advocate

-versus-

State of Orissa & Ors.

....

Opposite Parties

Mr. S. Ghose,
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

ORDER

19.07.2022

Order No.

02.

1. The Petitioner alleged that undisputedly on initiation of an encroachment proceeding, though the eviction is effected by way of demolition, but without giving proper opportunity to the Petitioner. Petitioner though preferred Appeal under the direction of a Co-ordinate Bench of this Court, but lost therein and thereafter the Revision also appears to be dismissed.
2. Considering the allegation of the Petitioner that there has been no providing of reasonable opportunity, this Court reading through the order of the appellate authority in paragraph no.3 therein more particularly at page 37 of the brief, finds, the Petitioner not only appeared before the Tahasildar but also placed case for settlement of the land while also objecting initiation of encroachment proceeding. The appellate authority has recorded its finding through the lower court record that there has been ascertainment by the Additional the Tahasildar observing that the Petitioner involved in the encroachment case is not a homestead less

person as there is already recording of Ac0.16 Dec. land homestead vide Khata No.51/39 of Mouza-Kiakata in the name of Suryanarayan Behera, S/o. Dukhishyam Behera and having annual income of the entire family to be more than Seventy-Five thousand. It is only on the ground that the Petitioner's family is able body family, there is has been rejection of the claim of the Petitioner to be entitled to a piece of land.

3. In the circumstance and for the concurrent finding of fact on the status of the Family of the Petitioner by the authority below, this Court while not finding the foundation in the allegation of the Petitioner, is not inclined to entertain the writ petition.

4. The writ petition is, accordingly, dismissed.

(Biswanath Rath)
Judge

Ayaskanta Jena

