

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No. 519 OF 2022

Papala Syamala and others

Petitioners

Mr. Agasti Kanungo, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Dilip Kumar Mishra,
Learned Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

10.06.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioners in this C.M.P. pray for early disposal of Civil Suit No. 21 of 2019 and I.A. No. 2 of 2021 pending before learned Civil Judge (Junior Division), Chatrapur.
3. Mr. Kanungo, learned counsel for the Petitioners submits that the Petitioners are in peaceful possession of the land in question since last 40 years. Although an order of eviction was passed in L.E. case No. 853 of 1987, but the same has not yet been given effect to.
4. When the Tahasildar, Chatrapur-Opposite Party No. 3 threatened eviction of the Petitioners, they filed C.S. No. 21 of 2019 for declaration of right, title and interest as well as for permanent injunction. During pendency of the suit, the Tahasildar, Chatrapur again made an attempt to evict the Petitioners for which I.A. No. 2 of 2021 has been filed by the Petitioners under Order XXXIX, Rules 1 and 2 C.P.C. Although the matter is ready for hearing and there is no legal impediment for early disposal of the interim application, learned Civil Judge (Junior Division), Chatrapur is not taking any step in that regard. In that view of the

matter, the Petitioners apprehend their eviction without following due procedure of law at any moment. Hence, the Petitioners finding no other alternative have filed this C.M.P. for the aforesaid relief.

5. Mr. Mishra, learned Additional Government Advocate submits that he has no objection if a direction is made for early disposal of I.A. No. 2 of 2021, if the same is still pending and there is no legal impediment for the same.

6. Taking into consideration the rival contentions of the parties, this Court without expressing any opinion on the merits of the case of the Petitioners disposes of the CMP with a direction that on production of the certified copy of this order, leaned Civil Judge (Junior Division), Chatrapur shall make an endeavour for early disposal of I.A. No. 2 of 2021 (arising out of C.S. No. 21 of 2019) as expeditiously as possible preferably by the end of July, 2022.

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

(K.R. Mohapatra)
Vacation Judge

bks/sb