

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.14590 of 2022

Madhusudan Panda & Ors.

....

Petitioner(s)

Mr.S.K.Dash,
Advocate

-versus-

*The Collector-cum-District
Magistrate, Jajpur & Ors.*

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

25.07.2022

Order No.

2.

1. Heard learned counsel appearing for the parties.

2. This writ petition involves the following prayer:

“The petitioners therefore, most humbly pray that this Hon’ble Court may be graciously pleased to admit this writ application, call for records of the case and upon hearing the parties be pleased to dispose of the writ petition, by issuing a writ in the nature of mandamus directing the Opp. Parties to remove the nuisance made by Opp. Parties No.5 to 7 in respect of the public road under Khata No.401, Plot No.802 and Khata No.283, Plot No.793 under mouza-Chhatia, district Jajpur.

And may further be pleased to pass any other order(s) as deemed fit and proper;

And for this act of kindness, the petitioners shall as in duty bound ever pray.”

3. This matter was adjourned on 23.06.2022 with a direction to the learned State Counsel to take instruction as to the finality in the matter of clearing of encroachment. Today, on production of instruction memo, Mr.Sahoo, learned Additional Standing Counsel appearing for the State brings to the notice of the Court that there has been due following of action and in the circumstances, there has been initiation of Crl. Misc. Case No.179 of 2021 requiring an order under the provision of Section 133 of Cr.P.C.

4. Considering there is some development, this Court disposes of the writ petition observing that there should be working out of the

eviction order within reasonable time. Failure of working out the order within reasonable period may be construed to be initiating a contempt proceeding against the public authority.

4, A free copy of this order be handed over to learned State Counsel for doing the needful.

(Biswanath Rath)
Judge

sks

