

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14656 OF 2022

Suryamani Tripathy and others* *Petitioners

Mr. Jyoti Patnaik, Advocate

-versus-

State of Odisha and others* *Opp. Parties

Mr. Sachidananda Nayak,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

Order No.

**ORDER
10.06.2022**

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition seek for a direction to the Tahasildar, Banki- Opposite Party No.3 to demarcate Plot No. 340 to an extent of Ac.0.670 decimals, Plot No. 341 to an extent of Ac.0.390 decimals, Plot No. 731 to an extent of Ac.0.240 decimals and Plot No.221 to an extent of Ac.0.080 decimals under Khata No.324 situated in mouza Khamaranga under Banki Tahasil in the district of Cuttack (for short 'the case land') and dispose of Demarcation Case No.11 of 2022 pending before him at an early date.
3. It is submitted by Mr. Patnaik, learned counsel for the Petitioners that since the boundary tenants are creating disturbance in the peaceful possession of the Petitioners, they have filed an application along with relevant documents for demarcation of the case land. He further submits that there is no civil suit, revenue or other proceeding pending in respect of the land in question and there is no legal impediment for demarcation of the case land. In

that view of the matter, he prays for a direction for the aforesaid relief.

4. Mr. Nayak, learned Additional Standing Counsel submits that he has no instruction in the matter. However, if such application in proper format is pending before the Tahasildar, Banki, he may be directed to consider the same in accordance with law at an early date, if there is no legal impediment.

5. Taking into consideration the submissions of learned counsel for the parties, this Court without expressing any opinion on the merits of the case disposes of this writ petition with a direction that the Tahasildar, Banki-Opposite Party No.3 shall make an endeavour for early disposal of Demarcation Case No.11 of 2022 as expeditiously as possible preferably within a period of one month from the date of production of certified copy of this order, if the Petitioners establish that they are entitled to the prayer for demarcation of the said land, by issuing notice to the Petitioners as well as boundary tenants to participate in the hearing of the demarcation case and to be present at the time of demarcation of the land, if there is no legal impediment.

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

(K.R. Mohapatra)
Vacation Judge