

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC NO.14668 OF 2022

Puspalata Jena

....

Petitioner

Mr.P.K.Nayak, Adv.

-versus-

State of Odisha & ors.

....

Opposite Parties

Mr.U.K.Sahoo, ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
20.6.2022

Order No.

02

1. Heard learned counsel for the Parties.
2. There is serious allegation of the Petitioner that there is removal of construction of the Petitioner illegally and without resorting to any process of law. The Petitioner has also filed some documents, such as Pauti as well as Municipality Receipt to establish that she has her own right over the disputed property and State cannot involve any illegal demolition.
3. On instruction Mr.U.K.Sahoo, learned Additional Standing Counsel for the State submitted the report of the Tahasildar, Sadar, Cuttack dated 18.6.2022, relevant portion of which reads as follows
:-

“That, the R.I., Nuapada reported that the Petitioner Puspallata Jena, W/o.Ajay Kumar Jena is residing over the Plot 1611 Ac.0.08 dec. by constructing a building. There is a plot bearing no.1341 under Khata No.946 in front of the petitioner’s plot and the petitioner had encroached the said plot by constructing a bricks boundary wall. The Plot No.1341 Ac.0.79 dec., kism-Nayanjori is under Khata No.946, that stands recorded in the name of Irrigation Deptt. From local enquiry by the R.I. concerned it is found that on dated 6.6.2022 the eviction was made by the staff of C.M.C. and R.D. Department of extension of road from Nuabazar to Biribati who have encroached the govt. land. There is no role of Tahasil office in the said eviction as alleged by the petitioner. Also, the D.A. Encroachment has reported that no encroachment case is found in the name of the petitioner. The copy of the R.I.Report, reply of D.A. encroachment and copy of the R.O.R. are annexed herewith as Annexure-B series...”

4. From the above, this Court though finds there is allegation of illegal encroachment by the Petitioner over a batch of Government land particularly Plot No.1341 measuring Ac.0.79 dec. Kism-Nayanjori under Khata No.946 but in the said report, the Tahasildar claims not be involved in any eviction aspect. For the Tahasildar denying any attempt of eviction, this Court finds, there remains no cause of action to entertain the Writ Petition any further. However, keeping in view the allegation of the Petitioner involving demolition of the compound wall of the Petitioner already taken effect, this Court observes, in the event there is any action for removal of illegal encroachment, there should be involvement of the Petitioner in a measurement process before taking any such eviction process.

5. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

M.K.Rout

