

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No. 1357 of 2018

Bimbadhar Kandi and Another

Petitioners

None

-versus-

Gyana Ranjan Das and Others

Opposite Parties

Mr. A.K. Nanda, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER
08.03.2022

Order No.

- 02.**
1. This matter is taken up by virtual/physical mode.
 2. None appears for the Petitioner.
 3. Heard Mr. Nanda, Additional Govt. Advocate for the Opposite Parties. The Petitioners filed the writ petition for a direction to the Opposite Parties especially Tahasildar, Bonth in the district of Bhadrak to settle the land in their favour under the provisions of Odisha Government Land Settlement Act, 1962 read with Section 8(A) of the Odisha Prevent of Land Encroachment Act, 1972 claiming themselves to be the landless and homesteadless persons.
 3. This Court while disposing of W.P (C) No. 19177 of 2016 vide order dated 30.03.2017 directed as follows:-

“XXXX XXXX XXXX XXXX XXXX

Considering the nature of grievance of the Petitioners and going into the merits of the case, we dispose of this petition with a direction that the Tahasildar, Bhadrak shall dispose of the
P.T.O.

encroachment cases as well as the applications of the Petitioners for settlement of land, which is in their occupation, within a period of four months in accordance with law. Till final decision is taken on the applications of the Petitioner for settlement, no coercive action shall be taken against them.”

4. This Court in the aforesaid contempt petition vide order dated 07.02.2022 recorded as follows:-

“Mr. Nanda, learned AGA appears for the Opposite Parties and states that the Petitioners are misusing the conditional direction granted by this Court vide order dated 30th March, 2017, passed in W.P. (C) No. 19177 of 2016 by not cooperating in the proceeding to finalize the eviction proceeding/settlement, if any, and consequential removal of the encroachment from the land, which is urgently needed for the timely completion of the project.”

5. On the said date on the prayer of counsel for the Petitioner, the matter stood adjourned.

6. Today none appears for the Petitioner at the time of call.

7. Mr. A.K. Nanda, Additional Govt. Advocate appearing for the Opposite Parties submits that a compliance affidavit has been filed by the contemnor-Opposite Party No. 3, Tahasildar, Bonta on 22.02.2022. It is relevant to Para-7 of the said compliance affidavit:-

“That the deponent further humbly submits that in respect of the land in question earlier one writ petition was filed before this Hon’ble Court vide W.P.(C) No. 16799 of 2015 for consideration of Block Level Mini Stadium. In the said writ petition the present Petitioner No. 2-Rangadhar Kandi was one of the Petitioners. This Hon’ble Court taking into consideration the public interest for consideration of a Mini Stadium disposed of the writ petition vide order dated 25.10.2016 and directed the authorities to issue necessary instruction for construction of Mini Stadium at Netaji Playground, Purusottampur village under Bonth block of Bhadrak district as per the scheme of the State Government dated. 06.02.2013 and the guidelines issued therein.

After the said order of the Hon'ble Court steps have been taken for construction of Mini Stadium on the case land. However, the Petitioners are causing obstruction by re-entering the case land on the plea that the present contempt proceeding is pending before the Hon'ble Court. Such conduct of the Petitioners are completely against public interest. Moreover, they are not landless persons and their OPLE Revision Case No.02 of 2020 is subjudice before the learned Collector, Bhadrak."

8. In view of said compliance affidavit, nothing more survives in the contempt petition.

9. Accordingly the contempt is dropped.

10. The CONTC is disposed of.

(Jaswant Singh)

Judge

(M.S.Raman)

Judge

Laxmikant

March 8th, 2022

Cuttack