

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16349 of 2022

Madhusmita Baliarsingh & Anr.

Petitioner

Mr. P. Mohanty,
Advocate

-versus-

Ranpur NAC, Nayagarh & Ors.

Opposite Parties

Mr. U.K. Sahoo,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
18.07.2022**

Order No.

01. 1. This writ petition involves the following prayer:-

“It is therefore, prayed that this Hon’ble Court may graciously be pleased to issue Rule Nisi, in the nature of writ of MANDAMUS and/or any other appropriate writ / writs, direction/ directions and order/ orders, calling upon the Opp.Parties to show cause as to why, the order dtd.29.01.2021 and the Notice dtd.06.05.2022 vide Annexure-4 & 2 of O.P. No.2 & 1 respectively, shall not be quashed, except the direction given in the said order vide Annexure-4, in allowing the petitioners for the time being, to use road Ac 0.035, with further direction to the O.P.No.1, after doing proper field measurement and survey to the Revenue & Forest Authorities, also with the presence of the petitioners, by duly considering the grievance / representation dtd.25.05.2022 vide Annexure-5, and on that basis, and to take such further action

and/or pass such order afresh in accordance with law and/or as deem proper;

AND

If the Opp.Parties fails to show cause and/or show insufficient and/or false cause, make the said Rule Nisi absolute,

AND/OR, pass any other order as deemed proper,”

2. Taking this Court to the direction in the order at Annexure-2 by the Executive Officer, Ranpur NAC, the Petitioners claim that there has been illegal and without jurisdiction notice by the Executive Officer, Ranpur NAC. It is also brought to the notice of this Court through Annexure-5 that in the meantime the Petitioners have also submitted an objection to the notice of the Executive Officer, Ranpur NAC claimed to be pending consideration as of now.

3. Mr. Sahoo, learned State Counsel on instruction places a communication of the Executive Officer, Ranpur NAC observing therein that the Petitioners are in occupation of additional land beyond the land authorized by the Tahasildar, creating impediment in the larger interest of the public.

4. Be that as it may, since the Petitioners have already made an objection vide Annexure-5 as against the notice at Annexure-2, this Court directs, in the event the Petitioners have not been evicted as of now, the Executive Officer, Ranpur NAC shall undertake an exercise for considering the objection of the Petitioners as against the order vide Annexure-2 and take a lawful decision in the matter also involving the Petitioner within a period of one month from the date of communication of an authenticated copy of this order by the

Petitioners. Since the Petitioners have claimed their right over the property being granted by the Tahasildar, it is open to the Petitioners to produce all such document available with them along with a copy of this order before the Executive Officer, Ranpur NAC within a period of seven days hence and take the date of hearing of the matter.

5. It is further directed that if the Petitioners have not been evicted from the disputed property in question as yet, they will not be evicted from the same at least till a decision is taken in the matter by the Executive Officer, Ranpur NAC at least within a period of one month from the date of communication of this order.

6. The writ petition stands disposed of with the above direction.

(Biswanath Rath)
Judge

Ayaskanta Jena