

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.17442 OF 2022

Laxmidhar Swain & ors.

....

Petitioners

Mr.P.R.Mishra, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.Mishra, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

15.7.2022

Order

No.

1.

1. Heard learned counsel for the Parties.

2. The Writ Petition involves the following prayer :-

“Therefore, under the above facts and circumstances, it is most respectfully prayed that this Hon’ble Court may graciously be pleased to admit this writ application, issue rule NISI calling upon the opp.parties to show cause and after hearing the parties be pleased to direct the opp.party No.4 to consider the grievance of the petitioners under Annexure-6 and to take a decision on the aforesaid representation within a specific time period and further be directed not to proceed with the disputed land till disposal of the R..C. No.252/2021 of the petitioners;

And may further be pleased to pass such other/further writ/writs direction/directions, order/orders as deem fit & proper in the facts & circumstances of this case for the interest of justice and equity..”

3. Taking this Court to the pendency of R.C. No.252/2021 under the provision of Section 37 of the OCH & PFL Act, there is an attempt by the Petitioner to prevent the demarcation proceeding undertaken in pendency of such proceeding. From the material disclosure at Annexure-4, it appears, on the initiation of Demarcation Case No.14/2022 Parties have been noticed to

participate in the demarcation process. It is stated in Court, upon receipt of the notice under Annexure-4, the Petitioner has already brought to the notice of the Tahasildar, Dhamnagar on R.C. No.252/2021 becoming an impediment in working out the demarcation exercise. This Court considers the objection of the Petitioner pending before the Tahasildar, Dhamnagar in Demarcation Case No.14/2022. Learned counsel for the Petitioner submits that the Demarcation Proceeding is still pending

4. In such view of the matter, this Court finds, the Writ Petition is premature but however stands disposed of with direction to the Tahasildar, Dhamnagar, O.P.4 in the event Demarcation Case No.14/2022 is still pending to look into the objection of the Petitioner and pass appropriate order.

(Biswanath Rath)
Judge

M.K.Rout