

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC NO. 1548 OF 2019

Basanti Turuk

.... ***Petitioner***

Mr. Antaryami Swain, Advocate

-versus-

***Saubhagya Behera, Tahasildar,
Kashipur***

.... ***Opp. Party***

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
24.02.2022

Order No.

5. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this contempt petition alleges non-compliance of the order dated 1st May, 2019 passed in W.P.(C) No. 8442 of 2019 in which the following direction was issued:

“The petition is disposed of with an observation that if the petitioner files an application for demarcation of the land in proper format along with requisite fees before the Tahasildar, Kashipur, opposite party no.3, within a period of fifteen days from today, the latter shall do well to depute an Amin and demarcate the land within a period of three months thereafter.”

3. It is submitted by learned counsel for the Petitioner that no demarcation whatsoever was made pursuant to the aforesaid direction of this Court although an application for demarcation of the land was filed. Hence, he prays for initiation of the contempt proceeding and to impose suitable punishment on the contemnor.
4. The Tahasildar, Kashipur filed an affidavit stating that pursuant to the aforesaid direction of this Court, no application was filed in the office of the Tahasildar, Kashipur within the stipulated

period. On the basis of the application filed by the Petitioner on 21st June, 2017, demarcation of Plot No. 1103/1505 measuring an area Ac.0.56 decimals under Khata No.125 in mouza Dimukndi was made, but the Petitioner being not satisfied with the said order filed another application on 18th August, 2021 (Annexure-A), which was registered as Demarcation Case No.404 of 2021. After receiving the said application, the land was demarcated by the concerned R.I. along with revenue officials on 3rd September, 2021 in presence of the Petitioner, boundary tenants and A.S.I. of local Police Station. The demarcation report is available in the show cause at Annexure-D.

5. In that view of the matter, it appears that although the Petitioner did not file any application within the stipulated period as directed by this Court, however, taking into consideration the application filed by the Petitioner on 18th August, 2021, Demarcation Case No. 404 of 2021 was initiated and demarcation was made on 3rd September, 2021 in presence of the Petitioner, boundary tenants and A.S.I. of the local police station.

6. In view of the above, this Court is satisfied that the order passed by this Court in W.P.(C) No.8442 of 2018 is complied with.

6. The CONTC is accordingly dropped.

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

(K.R. Mohapatra)
Judge

bks