

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19256 of 2022

Debendra Kumar Jena & Ors.

....

Petitioner(s)

Mr. B. Mohanty,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Ghose,
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
24.08.2022**

Order No.

01.

1. While assailing the impugned order at Annexure-5 aiming towards demolition of the excess construction Mr. Mohanty, learned counsel for the Petitioner brings to the notice of this Court through Annexure-4 that there is pendency of R.P. Case No.449 of 2021 before the Commissioner, Land Records and Settlement, Cuttack. Mr. Mohanty, learned counsel for the Petitioner, therefore, submitted that unless the above noted R.P. Case is disposed of; no action should be undertaken pursuant to the notice at Annexure-5. Thus a request is made to issue appropriate direction for protection of the Petitioner at least till disposal of the R.P. Case.

2. Learned State Counsel submits that the Petitioner may be justified in asking for protection, in the event the R.P. Case No.449 of 2021 is still pending and therefore a suitable direction may be issued by this Court in the matter.

3. Considering the rival contentions of the parties and on perusal of the Hal Record of Rights appended to the writ petition, this Court finds, there is no dispute to the exact extent of the land in occupation of the Petitioner and there is also no dispute that the R.P. Case involved herein is filed for correction in the Hal map and to bring the exact area in consonance with the Hal Record of Rights and it is improper to enter into any measurement process during pendency of such proceeding.

In the circumstance this Court finds force in the submission of Mr. Mohanty, learned counsel for the Petitioner and thus while directing the Commissioner Land Records and Settlement, Cuttack to dispose of the R.P. Case No.449 of 2021 within a period four months from the date of communication of a certified copy of this order by the Petitioner, this Court also directs the parties to maintain status quo in respect of the disputed property involved in Annexure-5 till disposal of the R.P. Case involved herein.

4. The Writ Petition stands disposed of with the above direction.

5. Free copy of this order be handed over to the learned State Counsel for necessary communication.

(Biswanath Rath)
Judge