

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 19507 of 2022

Urmila Mallick

.....

Petitioner

Mr.K.C. Tripathy, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr.A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

22.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. K.C. Tripathy, learned Counsel for the Petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.
3. The Petitioner has filed this Writ Petition seeking direction to the Opposite Parties to take action under Annexure-2 series by directing to demolish/evict the unauthorized constructions made by the unauthorized encroachers over the pathway of the Petitioner.
4. Mr. Tripathy, learned Counsel for the Petitioner contended that the pathway of the Petitioner has been unauthorized occupied by one Laxman Mallick and Sukanta Mallick and as such they should be evicted by following due process of law.
5. Mr. A.K. Mishra, learned Additional Government Advocate raised preliminary objection with regard to maintainability of the Writ Petition contending that though allegation was made against Laxman Mallick and Sukanta Mallick, but they were not made parties in the Writ Petition. Therefore, the Writ Petition suffers

from *non-joinder* of parties and, as such, the same is not maintainable.

6. Having heard learned Counsel for the parties and after going through the record, it appears that the petitioner has made allegation with regard to unauthorized occupation by one Laxman Mallick and Sukanta Mallick on the pathway of the petitioner, but they have not been made parties in the Writ Petition. Therefore, the Writ Petitioner suffers from *non-joinder* of parties. At this juncture, it was brought to the notice of this Court the order dated 20.04.2022 passed by the Deputy Collector, Revenue, Puri on the grievance petition made by one Gangadhara Pratihari & others, wherein the Tahasildar, Nimapara was directed to enquire into the allegation and take appropriate action as per provisions of law under OPLE Act. However, it is contended that due to inaction of the Tahasildar, Nimapara, the unauthorized occupants are creating hindrance in the locality. In view of such position, let the Tahasildar, Nimapara take immediate action in compliance to the order dated 20.04.2022 of the Deputy Collector, Revenue, Puri in accordance with law by giving opportunity of hearing to all the parties.

7. With the above observation, the Writ Petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Arun