

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.4633 of 2021

Ashok Kumar Dalai **Petitioners**

Mr. P. K. Behera, Advocate

-versus-

Tapan Kumar Khuntia, **Opp. Party**

OAs, Tahasildar, Athgarh,

Cuttack

Mr. Anupam Rath, ASC

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (ORAL)

06.04.2022

Order No.

- 02.** 1. This matter is taken up by virtual/physical mode.
2. The brief facts of the case are that the Petitioner No.1-herein is Ashok Kumar Dalai, Petitioners No. 2 is Jitendra Kumar Jena, Petitioner No.3 is Bibhuti Bhusan Jena, Petitioner No. 4 is Santosh Kumar Jena and Petitioner No.5 is Bibhuti Bhusan Dalai. All the Petitioners are resident of Ward No.1, Village-Hemamalpur, PO/PS-Athagarh, District-Cuttack. They had preferred a Public Interest Litigation (PIL) vide WP(C) (PIL) No.24599 of 2020 alleging illegal construction of structures over Jay Maa Mangala Dhara branch of Sapua and Nayanjori rivers thereby blocking the water flow to the rivers. It was contended that due to such blockage the entire flow of waste

water, rain water is getting accumulated creating immense difficulty in their locality/village. It was also alleged that in spite of bringing their problem to the notice of the competent authorities, no action was taken by the said authorities.

3. This Court vide order dated 11.12.2020 observed that the above writ Petition is pre-mature as the representation by the Petitioners are still pending before the concerned Tahasildar, Athagarh i.e. Opposite Party-herein. However, the Court also directed the Tahasildar to enter into investigation and dispose of any representation pending/received within six weeks from communication of the order by the Petitioners. Consequently, the Petitioners submitted the requisite order and documents to the concerned Tahasildar on 11.01.2021 for implementation of the order dated 11.12.2020.

4. It is the case of the Petitioner that the above order of this court dated 11.12.2020 has not been complied with and consequently, preferred this Contempt application.

5. During the course of hearing, the Opposite Party i.e. Tahasildar, Athagarh has filed a letter dated 18.11.2021 providing that the order of this Court dated 11.12.2020 has been substantially complied by duly evicting all the encroachers except one who relied on a

stay order dated 01.11.2021 passed by this Court not to evict the said individual for six weeks.

6. In view of the above letter, the contempt petition is disposed of as infructuous as no willful disobedience could be made out.

**(Jaswant Singh)
Judge**

**(M. S. Raman)
Judge**

April 6th 2022
Cuttack

AKPradhan

