

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.19821 OF 2022

Gagan Bihari Mohapatra

....

Petitioner

Mr.A.K.Ray, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
22.8.2022**

Order No.

01.

1. Heard learned counsel for the Parties.
2. The Petitioner has some grounds challenging the authority of the Tahasildar involved involving the notice at Annexure-2. It is admitted that Petitioner is not a party to such proceeding.
3. Referring to the direction of this Court, learned counsel for the Petitioner alleges that once this Court directed the Tahasildar to work out the exercise, he may not consider the entertainability of claim before him even there is contest by Petitioner.
4. Considering the submission of the learned counsel for the Petitioner and the response of Mr.Ghosh, learned A.G.A., this Court on perusal of the order of this Court dated 21.1.2022 passed in W.P.(C) No.38875 of 2021 finds, the order is an innocuous one

directing the Tahasildar, Bari for undertaking the exercise involving the claim of the Petitioners therein and such direction cannot bind the Tahasildar not to consider the points raised herein even on entertainability of such claim. In the event, the Petitioner has any serious issue on the entertainability of the claim of the Petitioners therein, it may be open to the Petitioner to appear before the Tahasildar, Bari, O.P.3 within 10 days and place his case for consideration of the Tahasildar along with claim of Petitioner therein, in the event the proceeding, vide Annexure-2 is still pending.

5. In above view of the matter, this Court while declining to entertain the Writ Petition at this stage, keeping the matter for consideration of the Tahasildar but however considering the submission of the learned counsel for the Petitioner that the Petitioner is not even a party to the Proceeding, vide Annexure-2, this Court observes, in the event the Proceeding involving the notice at Annexure-2 is still under adjudication, it will be open to the Petitioner to file his objection even on entertainability of such claim before the Tahasildar, Bari at least within a period of ten days hence. In such event and in the event the Proceeding is still pending, the

Tahasildar shall do well in considering the grounds raised by the Petitioner while taking decision on the issue involved therein.

6. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

M.K.Rout

