

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.4696 OF 2021

Sisir Kumar Mohanty

....

Petitioner(s)

Mr.J.K.Khuntia,
Advocate

-versus-

Sujata Patra, Tahasildar, Tirtol

....

Opposite Party(s)

Mr.S.P.Panda,
Advocate

CORAM:
JUSTICE BISWANATH RATH

ORDER
07.03.2022

Order No.
01.

1. The Writ Petition bearing No.26658 of 2020 was disposed of with the following direction:

“Taking into consideration the submissions made by learned counsel for the parties, this Court disposes of the writ petition without expressing any opinion on merit of the case with a direction that in the event a fresh representation with regard to concerned encroachment/construction is filed before the Tahasildar, Tirtol-opposite party no.3 within a period of two weeks hence, the Tahasildar, Tirtol-opposite party no.3 shall do well to consider the same and take follow up action in accordance with law as expeditiously as possible preferably within a period of three months from the date of filing of such representation along with an authenticated copy of this order”.

For the direction indicated herein above, petitioner was required to submit a representation within a period of two weeks and then the Tahasildar, Tirtol was also required to

complete the Encroachment proceeding within a period of three months thereafter.

2. Learned counsel for the petitioner alleges that he has submitted the representation following the direction of this Court by way of the Registered Post on 27.10.2020 and finding no outcome thereon even in spite of a clear direction of the High Court, petitioner is constrained to file this Contempt Petition on 10.08.2021. Advancing his submission, learned counsel for the petitioner submitted that since there was no development on the date of filing of the Contempt Petition the petitioner was forced to file the Contempt application in this Court for the fault of the Tahasildar only.

3. In course of hearing on admission Mr. Panda learned counsel appearing for the contemnor on instruction from the Tahasildar, Tirtol produces a case records and claims that basing on the order of this Court, the Tahasildar not only initiated a proceeding vide Encroachment Case No.639 of 2021, but there has also been some progress in such Encroachment proceeding. Further there has been even notice to the Encroacher for vacation of the disputed land in such view of the matter, this Court though observes that there is no compliance of the order of the High Court in time, all there has been no application even requesting the High Court for extension of time, but however taking into consideration that the Encroachment proceeding is already initiated and there has been some outcome, this Court finds no purposes will be served in keeping such Contempt Petition pending. This Court, observes, in the event there is no final outcome involving the Encroachment Proceeding indicated herein above as yet and there is in fact no clearing of the site and

there is no pendency of any appeal involving the same with stay order, the Tahasildar shall do well in achieving the eviction as a whole within a period of two months time.

(Biswanath Rath)
Judge

S.P. Dash

