

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.5346 OF 2022

Ranjit Swain & others

....

Petitioners

Mr. Karunakar Rath, Advocate

-versus-

J.Kalpana, Tahasildar,

....

Opp.parties

Naugaon Tahasil & another

Mr. P.K.Mohanty, ASC

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S.SAHOO

ORDER

22.11.2022

Hybrid Mode

Order No.

02.

1. By filing the present petition, the petitioners allege non-compliance of the order passed by this Court dated 11.04.2022 disposing of W.P.(C)(PIL) No.8664 of 2022 and pray the Court to proceed against the opposite parties as per the provisions of the contempt of Court's Act.

2. Mr. P.K. Mohanty, learned Additional Standing Counsel appearing on behalf of the opposite parties refers to the compliance affidavit dated 15.11.2022 which is served on the learned counsel for the petitioners.

Regarding the steps taken for compliance of this Court's order dated 11.04.2022 passed in W.P.(C)(PIL) No.8664 of 2022, at paragraph-4 of the said affidavit, the following has been stated :

"That it is most humbly and respectfully submitted that for compliance of order dated 11.04.2022 passed by this

Hon'ble Court, a Demarcation Case bearing No.27 of 2022 was registered by the opposite party no.1; wherein notices were issued to the petitioner along with alleged encroachers on 17.6.2022 for demarcation of the village road. Accordingly, on instruction of opposite party no.1, the Additional Tahasildar, Naugaon, the opposite party no.2 (Amin concerned) and other staff visited the spot for demarcation. The demarcation was conducted on 23.6.2022; wherein it was found that the village road has not been encroached by anybody. During demarcation the villagers have also stated that the village road has not been encroached by anybody. A copy of the original R.I. Report dated 23.6.2022 along with English translated copy of the same is enclosed herewith as Annexure-A."

3. Learned counsel for the petitioner submits that there could be still more encroachers of government land but due to the land not being properly measured, they could not be identified.

4. In our considered opinion, the order passed by this Court dated 11.04.2022 in W.P.(C)(PIL) No.8664 of 2022 has been complied with rendering the contempt petition infructuous.

Accordingly, the contempt petition is dismissed.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

22nd November, 2022
Cuttack