

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 21404 of 2022

Subrat Sharma

.....

Petitioner

Mr. B.C. Panda, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. J. P. Patnaik, GA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.09.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. B.C. Panda, learned counsel for the petitioner and Mr. J. P. Patnaik, learned Government Advocate.

3. The petitioner has filed this Writ Petition seeking direction to the opposite party no.2 to remove the unauthorized obstruction over Plot No. 6110/6706, Khata No.496, corresponds to Plot No. 6110/6706/6782, Khata No. 190 in the village Tarimul under Ghasipura Tahasil in the district of Keonjhar.

4. Mr. B.C. Panda, learned counsel for the petitioner contended that opposite parties 3 and 4 are obstructing the Government land which is the passage to the petitioner's premises. Thereby, he has filed this writ petition seeking for eviction of such private opposite parties.

5. Mr. J. P. Patnaik, learned Government Advocate appearing for the State contended that if opposite parties 3 and 4 are in unauthorized occupation of government land, it is the government who has to take appropriate action against such unauthorized occupants and the petitioner has no locus standi to make such a prayer before this Court. If the petitioner claims that he is in occupation of his own land and there is obstruction from the side of opposite parties 3 and 4 to his private land, then it is open to him to approach the appropriate Civil Court to have the remedy. Instead of doing so, the petitioner has approached this Court in the present writ petition. Otherwise also, if the petitioner wants to evict

the opposite parties 3 and 4 from the government land, then it is in the nature of PIL.

6. Having heard learned counsel for the parties and after going through the records, it appears that the petitioner claims that he is in occupation of his land and the ingress and egress to the said land has been obstructed by opposite party no.3 and 4, then it is open to him to approach the appropriate Civil Court for declaration to that effect. So far as the allegation made that opposite parties 3 and 4 are in occupation of the government land, in that case, it is open to the government to take necessary step for eviction in accordance with law. Otherwise also, the petitioner has no locus to challenge the occupation of the government land by opposite parties 3 and 4.

7. In view of the above, this Court is not inclined to entertain the writ petition and the same stands dismissed.

Arun

(DR. B.R. SARANGI, J.)

