

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23413 OF 2022

Bijaya Kumar Behera and others ***Petitioner(s)***
Mr.L.Achari, Adv.

-versus-

State of Odisha and others ***Opposite Party(s)***
Mr.S.Ghose,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER

15.09.2022

Order No.

01. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves a challenge to Annexure-1. Petitioner alleges the particular Panchayat is having all total six numbers of tanks and it is alleged that five tanks are already leased out to be utilized for the purpose of pisciculture, leaving only one tank for personal use of villagers and it is alleged in the event the only tank left is also leased out, there will be no tank available for villagers personal use and the villagers will immensely suffer. Neither the Writ Petition nor the representation involves such allegation.
3. In the circumstance and for having no foundation, this Court is not inclined to interfere in Annexure-1 at this stage. Mr.Achari, learned counsel for the Petitioner seeks to file a detailed representation to the competent authority making therein the request for at least keeping one of the tank in the Panchayat reserved for day to day use of the villagers involved.
4. This Court disposing of the Writ Petition observes, in the event if such representation is made within seven days, the Sub-Collector, Bhanjanagar- Opposite Party No.3 will make an inquiry on field to

find if the Panchayat has all total six tanks and there is already leasing out five tanks except the last tank going to be auctioned Annexure-1. Final decision as appropriate on Annexure-1 shall be taken keeping in view the request of villagers to at least keeping reserve at least one tank for use of the villagers.

5. In the event the competent authority takes a decision to reserve at least one tank in the Panchayat for common use of villagers, there must be also specific direction not authorizing anybody to have otherwise use of the tank.

(Biswanath Rath)
Judge

Swarna

