

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 964 OF 2022

Sanjay Keshari Mohapatra ***Petitioner***

Mr. Niranjana Panda, Advocate

-versus-

Jhuna Bhoi and others ***Opp. Parties***

Mr. Dillip Kumar Mishra,
Additional Government Advocate
(For Opp. Party Nos.2 to 5)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

08.12.2022

Order No.

4. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks for a direction to learned Civil Judge (Junior Division), Nimapara for deployment of police personnel to assist the Commissioner for execution of the decree in Execution Case No.3 of 2014 pending before him.
3. Mr. Panda, learned counsel for the Petitioner submits that the D.Hr as the Petitioner has filed this CMP for the aforesaid direction as the J.Dr, namely, Opposite Party No.1 is creating disturbance for execution of the judgment and decree dated 3rd February, 2014 passed in R.F.A. No.23/46 of 2013/2011 passed by learned 3rd Additional District Judge, Puri. He also referring to Annexue-1 submits that writ was issued to the Commissioner for demarcation of the decretal property as well as delivery of possession of the same to the D.Hrs at the spot in Village-Bhatabandha. But, due to obstruction created by the J.Dr- Opposite Party No.1 along with his family members and relatives together with local people, the Commissioner could not

measure the land and deliver the possession. Hence, the Commissioner vide his Letter No.341 dated 9th June, 2022 (Annexure-1) requested learned Civil Judge (Junior Division), Nimapara to provide sufficient police personnel for execution of the decree. Considering such letter, learned Civil Judge (Junior Division), Nimapara vide his order dated 15th September, 2022 directed the Civil Court Commissioner to intimate the IIC, Nimapara Police Station well in advance the date fixed for execution of decree in order to enable the IIC concerned to depute adequate number of police personnel to assist the Commissioner for execution of the decree.

4. It is submitted by Mr. Panda, learned counsel for the Petitioner that in spite of requests by the Commissioner to the IIC, Nimapara, no police personnel has yet been provided. Hence, this CMP has been filed.

5. Considering the submission made by learned counsel for the Petitioner, this Court vide order dated 10th November, 2022 directed learned State Counsel to take instruction as to whether pursuant to the direction of learned trial Court dated 15th September, 2022, the Civil Court Commissioner has intimated the concerned IIC to provide police assistance.

6. Today, Mr. Mishra, learned Additional Government Advocate on instruction from the IIC, Nimapara submits that if the Commissioner intimates the date, time and place of deployment of police personnel for execution of the decree well in advance, steps in that regard can be taken.

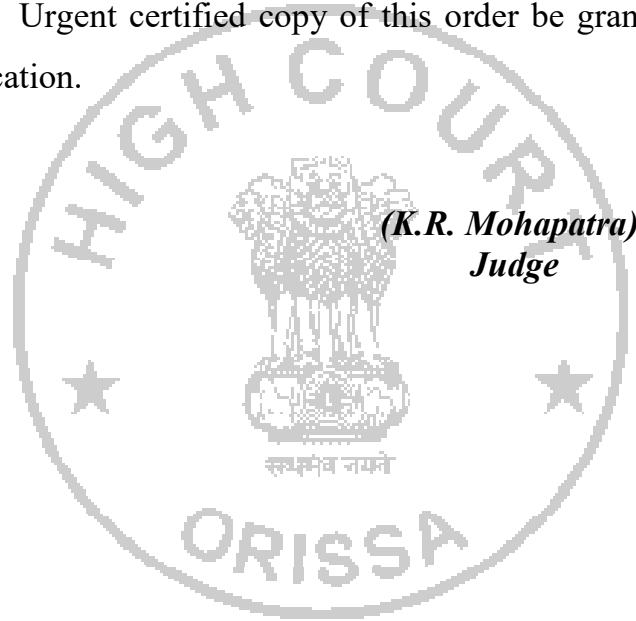
7. In view of the above, this Court disposes of the CMP with a direction that learned Civil Judge (Junior Division),

Nimapara shall instruct the Civil Court Commissioner to intimate the IIC, Nimapara Police Station the date, time and place of deployment of police personnel for execution of the decree in question and in that event, the IIC, Nimapara Police Station shall do the needful for deployment of adequate number of police personnel for execution of the decree, as aforesaid.

8. As requested by Mr. Mishra, learned Additional Government Advocate, a copy of this order be handed over to him for communication and compliance.

Urgent certified copy of this order be granted on proper application.

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(K.R. Mohapatra)
Judge