

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 26530 of 2022

Netrananda Baral and others

Petitioners
Mr. A. Mishra, Advocate

Vs.

State of Odisha and others

Opposite parties
Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

12.10.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. A. Mishra, learned counsel for the petitioners and Mr. A.K. Mishra, learned Additional Government Advocate for the State.

3. The petitioners have filed this writ petition against the initiation of the encroachment proceeding nos. 66/2021, 67/2021 and 68/2021 by the Tahasildar, Pipili, during the pendency of the proceeding, i.e. Consolidation Misc. Case No. 120/2022 before the Collector, Puri.

4. Mr. A. Mishra, learned counsel appearing for the petitioners contended that since the Consolidation Misc. Case No. 120/2022 is pending before the Collector, Puri, the Tahasildar should not have been proceeded in the encroachment proceeding as mentioned above.

5. Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State contended that the encroachment cases were initiated on 07.01.2022, but the Consolidation Misc. Case No. 120/2022 was filed on 25.06.2022, i.e. after the proceedings were initiated. Therefore, the petitioners have not come to this Court in a clean hand. Consequentially the writ petition is liable to be dismissed.

6. Having heard learned counsel for the parties and after going

through the record, it appears that the petitioners have been issued with notices in encroachment proceeding nos. 66/2021, 67/2021 and 68/2021 by the Tahasildar, Pipili. But it is contended that the Consolidation Misc. Case No. 120/2022 at the instance of the petitioners is pending before the Collector, Puri. This fact should have been brought to the notice of the Tahasildar when the proceedings were initiated against the petitioners. Instead of doing so, the petitioners have approached this Court in the present writ petition, which cannot sustain in the eye of law.

7. In that view of the matter, this Court disposes of the writ petition directing the petitioners to take necessary steps in accordance with law before the Tahasildar, so that he can appreciate the position in accordance with law.

Arun

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

