

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 27213 of 2022

Manoj Kumar Behera

.....

Petitioner

Mr. R.K. Mohanty, Sr. Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. A.K. Mishra, AGA.

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

17.10.2022

Order No.

01

This matter is taken up through hybrid mode.

2 Heard Mr. R.K. Mohanty, learned Senior Advocate for the petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.

3. The petitioner has filed this writ petition challenging the notice dated 10.10.2022 issued by the Tahasildar Khurda under Annexure-2 to the writ petition.

4. Mr. R.K. Mohanty, learned Senior Advocate contended that the land which has been indicated in the schedule of notice is under Moza-Daleiput, Khata No. 569 (Rakhita Anabadi) and Plot No. 236 (Jalasaya-2) measuring an area of Ac. 0.040 decimal. According to him, the ROR of Khata No.569 which has been placed under Annexure-3 series shows that the same has been recorded in the name of one Subal Sahu, S/o-Sikhar Sahu. The said document also reveals no plot is available under this Khata. So far as Khata No. 236 is concerned, it has been recorded in the name of Narayan Samantray, S/o-Subal Samantray. Therefore, the schedule of lands as described under Annexure-2 belong to some fictitious case and, thereby the petitioner will be evicted from his land, which he is in occupation. He further contended that the notice under Annexure-2 has been issued against a dead person deliberately and willfully to demolish the house of the petitioner.

5. Mr. A.K. Mishra, learned Additional Government Advocate contended that since the petitioner has received the notice, he can file his objection before

the Tahasildar, Khurda pointing out these discrepancies, so that the same can be considered and disposed of in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, since notice has been issued to the petitioner, it is open to him to file his objection to such notice bringing the contentions as has been raised in this writ petition, so that same can be considered and disposed of in accordance with law after giving opportunity of hearing to the petitioner.

7. With that liberty the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

Arun

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

