

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 32450 OF 2021

Raj Kishore Dash

....

Petitioner

Mr. Dillip Kumar Ray, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

06.01.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to the Tahasildar, Puri Sadar to demarcate the land in Plot No. 153 under Khata No. 199 to an extent of Ac.0.080 decimals situated in mouza Dashgoba under Puri Tahasil in the district of Puri (for short 'the case land').
3. It is submitted by Mr. Ray, learned counsel for the Petitioner that since the boundary tenants are creating disturbance in the peaceful possession of the Petitioner, he had filed an application in proper format along with relevant documents for demarcation of the case land. But the Tahasildar, Puri Sadar neither registered the demarcation case nor took up the matter for demarcation of the case land. He further submits that there is no civil suit, revenue or other proceeding pending in respect of the land in question and there is no legal impediment for demarcation of the case land. In that view of the matter, he prays for a direction for the aforesaid relief.

4. Mr. Mishra, learned Additional Standing Counsel submits that he has no instruction in the matter. However, if such application in proper format is pending before the Tahasildar, Puri Sadar, he may be directed to consider the same in accordance with law at an early date, if there is no legal impediment.

5. Taking into consideration the submissions of learned counsel for the parties, this writ petition is disposed of with a direction that in the event the Petitioner files a fresh application before the Tahasildar, Puri Sadar-Opposite Party No.3 for demarcation of the case land in proper format along with requisite fee and relevant documents within a period of two weeks hence and proves that he is competent to make such an application, the Tahasildar, Puri Sadar-Opposite Party No.3 shall entertain the same and do the needful in accordance with law within a period of four months thereafter after giving notice to the Petitioner as well as the boundary tenants to participate in the hearing of such application and also to be present at the time of demarcation, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge

bks