

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.27835 OF 2022

Umesh Chandra Das

....

Petitioner

Mr.P.Dash, Adv.

-versus-

***The Collector and D.M., Balasore &
ors.***

....

Opposite Party(s)

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
24.11.2022**

W.P.(C) NO.27835 OF 2022 & I.A.NO.14406 OF 2022

Order No.

2. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“Under the above stated facts and circumstances, it is most respectfully prayed that this Hon’ble Court may graciously be pleased to allow the writ application being in the nature of mandamus and issue Rule Nisi calling upon the Opposite Parties to show cause as to why :

- i) The illegal excavation of the land shall not be stopped being illegal, arbitrary, unilateral and sustainable in the eyes of law;
- ii) That inaction of the Opp.Party No.3 regarding the illegal excavation shall not be declared as illegal, arbitrary, unreasonable, unsustainable in the eyes of law;
- iii) Furthermore, be pleased to pass any other writ/writs, order/orders as deem fit and proper in the facts and circumstance of the case;
- iv) And for this act of kindness the Petitioner shall as in duty bound every pray.”

3. Undisputedly, the Petitioner on the selfsame issued has already made a complaint to the Collector, Balasore, O.P.1, vide Annexure-4 since 2.4.2022. There is material disclosure from Annexure-5 that they are dependent on the claim of the Petitioner, vide Annexure-4. The Office of the Collector, Balasore has already directed the Sub-Collector, Balasore for undertaking appropriate action as per law on the complaint of the Petitioner and submitting the action taken report to the Office of A.D.M., Balasore.

4. Considering the allegation of the Petitioner that there is no further progress on the direction at Annexure-5, this Court instead of keeping this matter pending to invite further loss of time, disposes of the Writ Petition along with the I.A. directing O.P.2 to complete the required exercise in terms of Annexure-5 at least within a period of one month from the date of communication of this order so also copy of the Writ Petition by the Petitioner.

5. In the process of enquiry, if it is revealed that there is illegal excavation of soil from the Petitioner's land, the Sub-Collector, Balasore, O.P.2 may do well in restraining such Parties from taking out the soil from the land of the Petitioner.

(Biswanath Rath)
Judge

M.K.Rout