

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.27839 OF 2022

Dhanajay Giri and others ***Petitioner(s)***
Mr.S.Dasmohapatra,Adv.

-versus-

State of Odisha and others ***Opposite Party(s)***
Mr.U.K.Sahoo,ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
27.10.2022

Order No.

01.

1. Heard learned counsel for the Parties.
2. By filing the Writ Petition, an attempt is made to block the further proceeding in the Demarcation Case No.29 of 2022 on the premises of disclosures in para-5 in the objection vide Annexure-7 on behalf of the present Petitioners thereby objecting continuance of demarcation proceeding on the premises of pendency of civil suit involving very same land. For the objection already filed and in absence of any decision on the same, this Court finds, the Writ Petition becomes premature.
3. Be that as it may for this Court finds, the Petitioners may be prejudiced in the event, the demarcation is undertaken in the pendency of the Civil Suit. In disposal of the Writ Petition, this Court directs the Tahasildar, Baliapal to take a decision on the objection of the Petitioner after providing opportunity to the parties likely to be affected. It is clarified in the event the request of the Petitioner is turndown then the Tahasildar, Baliapal will proceed with the demarcation. The above direction will be worked out irrespective of

the disposal direction of this Court in W.P.(C) No.19584 of 2022. Decision as appropriate will be taken within a period of four weeks from the date of communication of this order by the Petitioner. It is also the responsibility of the Tahasildar, Baliapal to bring the notice of order of this Court to the private Opposite Parties therein.

4. The Writ Petition thus stands disposed of.

(Biswanath Rath)
Judge

Swarna

