

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.33361 of 2021

Birendra Kumar Behera & Ors.

....

Petitioner(s)

Mr. D. Mishra,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party (s)

Mr.R.P. Mohapatra,
AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
11.01.2022

Order No.

03.

1. This matter is taken up by video conferencing mode.
2. Undisputedly this writ petition involves removal of unauthorized encroachers. It has been further brought to the notice of this Court by way of additional affidavit that involving the complaint of the Petitioners, there has been some development in the process and the concerned Revenue Inspector has already undertaken an exercise of measurement. It is also averred and pleaded by Mr. Mishra, learned counsel for the Petitioners that for the observation of the Revenue Inspector, there is already notice of encroachment. Mr. Mishra, learned counsel for the Petitioners, therefore, alleged that in spite of such observation given by the Revenue Inspector, the Tahasildar is not taking any such step for removal of such unauthorized encroachment.
3. Keeping the above allegation in view, this Court finds, nothing will serve in keeping such matter pending here except in disposal of the writ petition directing the Tahasildar that in the event there exists such a report and in the event the demarcation process has already come to

an end on the involvement of parties and report on the demarcation issue is already prepared, the Tahasildar shall initiate appropriate proceeding under the provisions of the O.P.L.E Act and decide the same involving all the parties concerned. It is further directed that in the event there is no conclusion at the end of the Revenue Inspector, it may be open to the Tahasildaer to enter into an inquiry and upon entering into an enquiry, if the Tahasildar, observes, there is unauthorized occupation over the Govt. land, the Tahasildar shall initiate appropriate proceeding following the provisions contained in the O.P.L.E. Act against the unauthorized encroachers and decide the same within a period of six months thereafter, but however, giving opportunity of hearing to the parties likely to be affected.

4. Since the order is passed at the admission stage, Petitioners are directed to produce an authenticated copy of this order along with a copy of the brief before the Tahasildar Sadar, Cuttack within ten working days hence for his/her proceeding in the matter.

5. With the aforesaid direction the writ petition stands disposed of.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge