

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 33808 OF 2021

Gayadhar Jena

....

Petitioner

Mr. Bhubanananda Lenka, Advocate

-versus-

Tahasildar, Derabis and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
10.01.2022

Order No.

2. 1. This matter is taken up through video conferencing mode.
2. The Petitioner in this writ petition seeks for a direction to the Tahasildar, Derabis to demarcate the land in Plot No.2851 under Khata No.636 to an extent of Ac.0.120 decimals situated in mouza Gualsingh under Derabis Tahasil in the district of Kendrapada (for short 'the case land').
3. It is submitted by Mr. Lenka, 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, Derabis 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 the Petitioner files a fresh application for demarcation of the case land in proper format along with requisite fee and relevant documents, the Tahasildar, Derabis will be in a position to take appropriate steps for demarcation of the case land, 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, Derabis-Opposite Party No.1 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, Derabis-Opposite Party No.1 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.

6. As the 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, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(K.R. Mohapatra)
Judge