

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 35306 of 2020

Madhusudan Mallick

....

Petitioner(s)

Mr.S.Dash (A), Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.S.Ghose, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.06.2022**

Order No.

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1. Heard learned counsel appearing for the parties.
2. This writ petition involves the following prayer:

“It is therefore prayed that your lordship would be graciously pleased:

 - (i) To admit and allow the petition.

And
 - (ii) To issue rule NISI calling upon the opposite parties for filing show cause, if the OP fails to show cause or file insufficient cause, then the rule made absolute against the OP.

And
 - (iii) To issue writ of Mandamus directing to the Opp. Party No.3 and 4 to jointly demarcate the agricultural property of the petitioner in presence of Opp. party No.6 to 17, with requisition of local Police (IIC, Kishannagar and IIC, Biridi) in order to avoid breach of peace within a stipulated period.

And
 - (iv) To pass any other order (s), relief (s), direction(s) your lordships deem fit and proper for the interest of justice, equity and fair play;

And for this act of kindness the petitioner as in duty bound shall ever pray.”
3. Considering the effect of Annexure-1 appended herewith, this Court finds there is already initiation of a demarcation

proceeding, as clearly borne from Annexure-1, a communication by the Tahasildar, Kishannagar.

4. In course of hearing, Mr. Dash, learned counsel appearing for the petitioner submits that even though demarcation process commenced but there is no complete demarcation in respect of all plots involved. Mr. Ghose, learned Additional Government Advocate submitted that there is partly demarcation of the land involved already completed but other part demarcation could not be undertaken for the standing crops existing there.

5. Considering that initiation of a demarcation already there, this Court disposes of the writ petition directing the Tahasildar, Kishannagar to complete the exercise in respect of the other part remain to be demarcated by undertaking such exercise within a period of two months from the date of communication of certified copy of this order but however involving all such parties likely to be affected.

6. A free copy of this order be handed over to the learned State Counsel for doing the needful.

(Biswanath Rath)
Judge