

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.6725 of 2021

Akshaya Kumar Jena

....

Petitioner(s)

Mr. T.Barik, Advocate

-versus-

Dr.Abhinash Rout, Tahasildar, Tangi-Choudwar

....

Opp.Party(s)

Mr.S.P.Panda, Advocate

CORAM:

JUSTICE BISWANATH RATH

ORDER

04.04.2022

Order No.

2.

1. Heard learned counsel appearing for the parties.
2. This Contempt Petition arises out of non-compliance of the order dated 24.08.2018 passed in W.P.(C).No.14417 of 2018, which reads as follows:

“Heard learned counsel for the parties. Considering the allegation involved in this matter and as a decision in such matter is ultimately required to be taken by the Tahasildar in exercise of power under the O.P.L.E. Act, this matter stands disposed of with a direction to the Tahasildar, Tangi Choudwar Tahasil, Jagatpur, Dist.-Cuttack-opposite party no.4 to look into the grievance of the petitioner vide Annexure-3 and make an enquiry involving the parties. It is directed that upon entering into an enquiry, if the Tahasildar, Tangi Choudwar Tahasil, Jagatpur, Dist.-Cuttack observes, there is unauthorized occupation over the Govt. land, the Tahasildar shall initiate an 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 two months thereafter, but however, giving opportunity of hearing to the parties likely to be affected.

Since the order is passed at the admission stage petitioner is directed to produce a certified copy of this order along with a copy of the brief before the Tahasildar, Tangi Choudwar Tahasil, Jagatpur, Dist.-Cuttack within a week hence for his/her proceeding in the matter.”

3. It appears, for the petitioner is the only person with regard to no eviction of the similarly situated persons and thereby there is victimization to the petitioner, the Court passed the above order. Undisputedly four years have been passed in the meantime. Producing bunch of documents in Court today, Mr.Panda, learned counsel for the contemnor brings to the notice of the Court that in the process for removal of unauthorized encroachment, the Tahasildar

even though commenced the process and is in receipt of report from the Revenue Inspector, however, unable to proceed further for the non-cooperation of the Executive Engineer, Drainage Division, Cuttack. Since there is certain discharge desired in the removal of the encroachment through the Executive Engineer, Drainage Division, Cuttack, he is bound to cooperate the Tahasildar. This Court dismisses the contempt petition but, however observes the order dated 24.08.2018 passed in W.P.(C).No.14417 of 2018 should be complied, if not complied in the mealtime, in complete sense at least within a period of four months from the date of communication of certified copy of this order.

(Biswanath Rath)
Judge



Sks