

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36790 of 2021

Sayad Umar Ali

....

Petitioner(s)

Mr. J.K. Khutia,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. S.P. Panda,
Additional Government Advocate

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
07.02.2022**

Order No.

02.

1. This writ petition involves the following prayer:

“

P R A Y E R

It is therefore prayed that this Hon'ble Court may graciously be pleased to issue writ of mandamus directing the Opposite Parties particularly the Opposite Parties No.2 & 3 to evict the encroachers of road and construction made over the Govt. land in front of Badamba Block colony within a time stipulated by the Hon'ble Court and further direction may be issued to the Opposite Party No.3 to take action on the letter issued by the Block Development Officer, Badamba under Annexure-1.”

2. Even though this matter was adjourned directing the learned State Counsel to take instruction in the matter, but despite passing of two months no instruction is provided to the State Counsel by the competent authority. Be that as it may, looking to the prayer made by the Petitioner and nature of dispute this Court finds, by the

communication vide Annexure-1 the Block Development Officer, Baramba has already issued instruction to the Tahasildar, Baramba since 26.01.2021 to take up the eviction drive for clearing the encroachment to maintain sanctity in the area within a shortest time. Since there was no development in spite of such instruction by the Block Development Officer, Baramba, it appears again, by the communication at page 15 of the brief the Block Development Officer again wrote the Sub-Collector, Athargarh on 23.03.2021 for taking appropriate action. For the opinion of this Court, once the Tahasildar is assigned with the job required to be done, it is his/her responsibility to work-out the same. This Court observes, there is failure in discharge of duties by the Tahasildar concerned. This Court in disposal of the writ petition directs, in the event encroachment over the disputed property in question has not been cleared as of now following the above directions, the Tahasildar, Baramba shall take all possible steps for clearing the encroachment over the disputed property in question, but upon providing opportunity to the persons, if any, likely to be affected in such process.

3. The entire exercise shall be completed within a period of three months from the date of communication of an authenticated copy of this order alongwith a copy of the writ petition by the Petitioner.

(Biswanath Rath)
Judge