

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 37471 of 2021

Tankadhar Sahu

.... Petitioner

Mr. Arabinda Tripathy, Advocate
On behalf of Mr. S.Roy, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. S.N.Mishra,
Additional Government Advocate
(For Opposite Party Nos. 1 to 5)

Mr. Tusar Kumar Mishra, Advocate
(For Caveator/Opposite Party No.11)

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
14.02.2022**

Order No.

2.
 1. This matter is taken up through Hybrid mode.
 2. Petitioner in this writ petition prays for a direction to Tahasildar, Deogarh-Opposite Party No.4 to dispose of Demarcation Case No.87 of 2019 at an early date.
 3. Learned counsel for the Petitioner submits that although application of the Petitioner is pending since 2019 before the Opposite Party No.4 and he has directed the concerned RI to conduct demarcation of the land in question but no step in that regard has yet been taken.
 4. Mr. Mishra, learned counsel by entering appearance on behalf of Caveator/Opposite Party No.11 submits that the demarcation application in question is not maintainable as there is suppression of material fact, as similar application for demarcation has already been dismissed in the year 2018, which was not disclosed by the Petitioner. Although the Title Appeal

No.27/11 of 1969 is dismissed, as the clear finding has been recorded that Opposite Party no.11 is in possession over the land in question. Thus, the demarcation application is not application.

5. Mr. Mishra, learned AGA on instructions submits that although notices have been issued to Opposite Party Nos.6 to 11 in the demarcation case, without filing any objection to the said demarcation case, they are creating disturbance time and again. Due to such disturbance, demarcation could not be taken up in spite of several attempts. Thus, the Tahasildar, Deogarh-Opposite Party No.4 has taken all possible steps for demarcation of the land in question.

6. Taking into consideration the rival contentions of the parties, it is apparent that the private Opposite Parties have not filed any objection to the demarcation case.

7. In view of the above, this Court feels that they should be given liberty to participate in the demarcation proceeding. Accordingly, the writ petitioner is disposed of with a direction that in the event Opposite Party No.6 to 11 file objection in Demarcation Case No.87 of 2019 within a period of two weeks hence serving copy thereof on the Petitioner, Tahasildar, Deogarh-Opposite Party No.4 shall do well to consider the same and if he is of the opinion that the demarcation of the land in question should be made, shall proceed with the demarcation, as expeditiously as possible, preferably within a period of six months giving notice to the Petitioner as well as the boundary tenants to be present at the time of demarcation. In order to meet the law and order situation, if any, the Tahasildar, Deogarh may take assistance of local Police.

8. The writ petitioner is disposed of with the observation and direction, as aforesaid.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy

