

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 37756 OF 2021

Ratan Digal

Petitioner

Mr. Kaliprasad Mohanty, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

25.04.2022

Order No.

7. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Tahasildar, Baliguda-Opposite Party No.4 to carry out the order dated 28th December, 2016 passed by the Sub-Collector, Baliguda in O.L.R. Case No.2 of 2015. In the aforesaid order, the Sub-Collector, Baliguda held as under:

“.....Both parties were noticed to appear before the court and put forth their claim adducing the evidence. Accordingly, both parties appeared. 1st party filed the photocopy of the Khatian No.31 issued by the settlement authority which stands recrded in his name. The advocate for the O.P 1 to 3 and the O.P. No.4 not produced any supporting document thereof. Gone through the documents and I am not inclined that the case land is liable to be restored with the RT.

In view of the above, the case land is hereby restored with the RT. The O.P is evicted therefrom. Issue possession order directing Tahasildar, Baliguda to deliver possession of the case land in favour of the R.T.

Orders pronounced in the open court this 28th day of December-2016 & close the case.”

3. The grievance of the Petitioner in this writ petition is that the Tahasildar, Baliguda is not implementing the impugned order and is not evicting the unauthorized occupants. Further, demarcation of the land in question was made without serving prior notice on the Petitioner.

4. In view of the above, this Court vide order dated 6th April, 2022 directed learned State Counsel to take instruction as to when demarcation of land in question pursuant to the order passed by the Sub-Collector, Baliguda in O.L.R. Case No.2 of 2015, which was confirmed by the Additional District Magistrate, Kandhamal in RMA No.2 of 2017, can be made with prior notice to the Petitioner.

5. Mr. Mishra, learned Additional Standing Counsel, on instruction, submits that demarcation of the land in question can be made on 11th May, 2022, if the Petitioner as well as Opposite Party Nos.5 to 8(a) cooperates.

6. In view of the above, this Court disposes of this writ petition with a direction that the Petitioner shall appear before the Tahasildar, Baliguda-Opposite Party No.4 on 2nd May, 2022 along with certified copy of this order to receive further instruction in the matter. The Tahasildar, Baliguda shall also issue notice to Opposite Party Nos.5 to 8(a) to be present at the time of demarcation of the land to be undertaken on 11th May, 2022. If the Petitioner fails to appear before the Tahasildar, Baliguda-Opposite Party No.4 on 2nd May, 2022, the Tahasildar, Baliguda will be free to proceed with the matter in accordance with law.

7. A copy of the order shall also be handed over to Mr. Mishra, learned Additional Standing Counsel for communication and compliance.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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