

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 38336 of 2021

Bijaya Kumar Swain

.... ***Petitioner***
Mr. Saroj Kumar Dash,
Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R.MOHAPATRA

ORDER

05.01.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction for early disposal of Encroachment Case No. 363 of 2008-09 pending before the Tahasildar, Dhenkanal.
3. It is submitted by Mr. Dash, learned counsel for the Petitioner that although the aforesaid encroachment case has been initiated against the Petitioner and the authority has issued a Form 'Ga' on 13th May, 2008 under Annexure-8 restraining the Petitioner from making any construction over the land in question, but no action has been taken for disposal of the encroachment case. The Petitioner has also made a prayer to settle the land in his name. Due to pendency of such encroachment case, the Petitioner is seriously prejudiced. Hence, he prays for a direction for the aforesaid relief.
4. Mr. Mishra, learned Additional Government Advocate submits that he has no instruction in the matter. If the aforesaid encroachment case is still pending before the Tahasildar,

Dhenkanal, he may be directed to take a decision on the same in accordance with law at an early date.

5. Taking into consideration the submissions of learned counsel for the parties, this Court without expressing any opinion on the merits of the case disposes of this writ petition with a direction to the Tahasildar, Dhenkanal-Opposite Party No.5 to take a decision in Encroachment Case No. 363 of 2008-09 in accordance with law as expeditiously as possible preferably within a period of four months from the date of production of certified copy of this order, giving opportunity of hearing to the parties concerned, if the same is still pending and there is no legal impediment.

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

(K.R. Mohapatra)
Judge

bks