

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 39565 OF 2021

Prabhakar Sahoo

.... ***Petitioner***

Mr. Prafulla Chandra Das, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
22.04.2022

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition prays for a direction to the Tahasildar, Narasinghpur to dispose of Demarcation Case No. 31 of 2021 at an early date by demarcating Plot No.567 under Hal Khata No. 57 to an extent of Ac.4.70 decimals situated in mouza Sanagaon under Narasinghpur Tahasil in the district of Cuttack (for short 'the case land').
 3. Mr. Das, learned counsel for the Petitioner submits that although pursuant to the application filed for demarcation of the case land, the Tahasildar, Narasinghpur deputed the concerned Amin to demarcate the case land, but he did not demarcate the same stating that the villagers are opposing to such demarcation. It is his submission that the same cannot be a ground to avoid the statutory duty of the Tahasildar, Narasinghpur to demarcate the case land. If necessary, the Tahasildar, Narasinghpur may take assistance of the local police to avoid law and order situation and to demarcate the

land, as there is no impediment for demarcation of the same. Since no endeavour has been made by the Tahasildar, Narasinghpur in spite of repeated requests made by the Petitioner, this writ petition has been filed.

Mr. Mishra, learned Additional Government Advocate by filing counter affidavit in Court today referring to Annexure-B/3 submits that pursuant to the application filed for demarcation of the case land, the Tahasildar, Narasinghpur deputed Shri Nrusingha Charan Giri to demarcate the case land. He had also went to the spot on 30th April, 2021, but due to the intervention of local people, demarcation of the case land could not be made. Previously, the Amin had gone to the spot for demarcation of the case land on 30th January, 2021, but the demarcation could not be made due to intervention of the local people for which the Amin had gone to the spot with police personnel on 30th April, 2021, but still then, demarcation could not be made. He, therefore, submits that no fault can be attributed to the Tahasildar, Narasinghpur for not demarcating the land.

Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that when Demarcation Case No. 31 of 2021 has been registered, the Tahasildar, Narasinghpur is under legal obligation to dispose of the same in accordance with law. The ground of which demarcation was not made cannot be held to be justified.

As such, this Court without expressing any opinion on the merits of the case disposes of this writ petition with a direction that on production of certified copy of this order within a period of two weeks hence, the Tahasildar, Narasinghpur-Opposite Party No. 3 shall make an endeavour for early disposal of Demarcation Case

No. 31 of 2021 as expeditiously as possible preferably within a period of eight weeks therefrom giving notice to the Petitioner as well as the boundary tenants to participate in the hearing of the said demarcation case and also to be present at the time of demarcation of the case land, if there is no legal impediment.

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

A copy of this order be handed over to Mr. Mishra, learned Additional Government Advocate for communication and compliance.

(K.R. Mohapatra)
Judge

bks

