

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.40008 OF 2021

Arjun Mallick

....

Petitioner

Mr.A.K.Pradhan, Adv.

-versus-

Collector, Kendrapara & anr.

....

Opposite Party(s)

Mr.D.K.Mohpatra, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
20.1.2022**

Order No.

01.

1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Parties.
3. From the pleadings, it appears, the Petitioner's application, vide Annexure-2 filed for settlement of the disputed land involving Encroachment Case Nos.1633 of 2018-19 and 345 of 2019-20. This Court observes, for pendency of such application, at least a decision should have been taken on the request of the Petitioner for settlement of the disputed land on the ground of landlessness. From Pages-10 & 11 of the Brief, this Court finds, there has been disposal of the Encroachment Cases involving the Petitioner involving the very same land with assessment of penalty and the Petitioner goes no paying the penalty. This Court observes, in the event there has been no decision on Annexure-2 for pendency of the above Encroachment Cases, decision, as appropriate be taken by the

Tahasildar, Mahakalapada, O.P.2 however following the procedure provided in the OPLE Act and also involving the Petitioner therein by completing the entire exercise within a period of six months from the date of communication of this order. It is the responsibility of the Petitioner to supply the copy of this order along with copy of the Writ Petition on O.P.2 within seven days hence.

4. The Writ Petition stands disposed of accordingly.

5. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout of the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

M.K.Rout

(Biswanath Rath)
Judge