

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 40286 of 2021

Nandalal Hembrum

....

Petitioner

Mr.Prakash Kumar Mishra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. S.N. Mishra,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

06.01.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Grievance of the Petitioner in this writ petition is with regard to inaction of Tahasildar, Barbil-Opposite Party No.3 in demarcating the land pertaining to Plot No.13, 35 and 36 under Khata No.107 in mouza Bileipada under Barbil tahasil in the district of Keonjhar (for short, 'the case land').
3. It is submitted by Mr. Mishra, that pursuant to an application for demarcation filed by the Petitioner, Tahasildar, Barbil registered the same as LI Case No.107 of 2021 and directed the RI, Bileipada Circle vide order No.4145 dated 12th November, 2021 (Annexure-3) to demarcate the case land, but the concerned RI is delaying the matter and asking for deputation of Police personnel for demarcation. It is submitted that there is no likelihood of any law and order situation during demarcation. However, the RI concerned in order to delay the matter, has sought of Police assistance, which has not yet been supplied. In view of such inaction of the revenue authority, the Petitioner is seriously prejudiced.

4. Mr. Mishra, learned AGA submits that he has instruction in the matter. However, if proper requisition is made by Tahasildar, Barbil for deployment of Police personnel, the same could be provided to assist the RI concerned for smooth demarcation of the case land.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on merit of the case, disposes of the writ petition with a direction that in the event the Petitioner files an application before Tahasildar, Barbil-Opposite Party No.3 for making requisition for deployment of Police personnel during demarcation, the Tahasildar shall do well to consider the same and make appropriate requisition in that regard. In any case, the demarcation shall be made within a period of three months from the date of filing of such application along with certified copy of this order. Needless to say that Tahasildar, Barbil shall issue notice to the Petitioner, other co-sharers of Khata No.107 as well as the boundary tenants to be present at the time of demarcation, if there is no legal impediment.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy