

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.40937 OF 2021

Karunakar Jena

....

Petitioner

Mr.B.Lenka, Adv.

-versus-

***Secy., Dept. of Revenue & Disaster
Management & ors.***

....

Opposite Parties

Mr.D.K.Mohapatra, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
20.1.2022**

**Order
No.**

01.

1. This matter is taken up through video conference.
2. None appears for the Petitioner when the matter is called.
Heard learned AGA for the O.Ps.
3. The Writ Petition involves the following prayer :-

“It is therefore prayed that this Hon’ble Court be graciously pleased to admit this writ petition, issue a RULE NISI and call on the opposite parties to show cause as to why the Hon’ble Court shall not direct them to recognise the right, title, interest and possession of petitioner over specific government land described under Schedule A below and why opposite parties specifically opposite party no.5 shall not be directed to settle the specific government land u/S.7 Sub.Sect. 2(a) & (b) read with Proviso (2-a) of the OPLE Act.

And if the opposite parties shall not show any cause or show insufficient cause then after hearing petitioner allow this writ petition and pass an appropriate order directing the opposite parties more specifically to opposite party no.5 to recognise right, title interest and possession of the petitioner due to unauthorised possession of a landless homestead less person residing over the government land constructing his

residential house thereon and settle the specific government land described under Schedule A due to operation of aforesaid provision of law in OPLE Act in the interest of justice, equity and humanity.

And the Hon'ble Court may be pleased to pass any other order/orders/direction/directions/writ/writs to which the Hon'ble Court thinks just and proper in the best interest of the petitioner but such a specific prayer inadvertently not made by the petitioner for such relief in the interest of justice and equity."

4. This Court finds, there is no such jurisdiction of this Court to issue such directions. The Writ Petition thus stands dismissed. The Petitioner if so advised may find out other remedy available.

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.

(Biswanath Rath)
Judge

M.K.Rout