

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.40941 OF 2021

Harihar Samal

....

Petitioner

Mr.C.Nayak, Adv.

-versus-

*The Collector & District Magistrate,
Angul & ors.*

....

Opposite Party(s)

Mr.R.P.Mohapatra, AGA
Mr.P.K.Rout, Adv. for O.Ps.2 & 3

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
10.3.2022**

**Order
No.**

3. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“The Petitioner, therefore, prays that this Hon’ble Court be graciously pleased to issue a Rule Nisi calling upon the Opposite Parties to show cause as to why a writ of mandamus or any other appropriate writ or writs shall not be issued;

- i) Directing the opposite party no.2 and 3 not to evict the present petitioner from the lawful possession over the land bearing plot No.345/1, an area of Ac.0.34 decimals, plot No.345/3, an area of Ac.0.46 decimals and plot No.345/1, an area of Ac.0.12 decimals, totaling an area of Ac.0.92 decimals from Khata No.332;
- ii) Further be pleased to that directing the opposite party no.2 and 3 as to under what authority of law they are acting and forcibly harassing the present petitioner;
- iii) Further be pleased to directing the opposite party no.2 and 3 why action shall not be initiated against them for harassing the poor people by depriving

- the present petitioner from his livelihood without any authority of law;
- iv) If the opposite parties fail to show-cause or show insufficient cause to make the said rule absolute; and
 - v) To pass such other order/orders and to issue such other writ/writs as would afford complete relief to the petitioner;”

3. Issuing notice this Court directed the Parties to maintain status quo. As per the direction, the case is taken up for final outcome. In the meantime, on their appearance, O.Ps.2 & 3 in Paragraph-3 of their counter affidavit made it clear that the Writ Petition is misconceived and frivolous, as the O.Ps. are neither interfering in the land belonging to the Petitioner nor undertaking any construction over it. Further in Paragraph-7, it is clarified that in the meantime, the O.Ps. have undertaken a demarcation exercise and from the report, it becomes clear that there is no encroachment over the Petitioner's property and construction whatever is undertaken by O.Ps.2 & 3 are over their own property.

4. The Writ Petition is disposed of recording the above. Interim order of this Court dated 20.1.2022 passed in I.A. No.19110 of 2021 stands vacated.

(Biswanath Rath)
Judge

M.K.Rout