

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41770 of 2021

***Mayadhar Mohapatra and
another*** ***Petitioners***

Mr. A. Ch. Behera, Advocate

-versus-

***Collector-cum-District Magistrate,
Balasore and others*** ***Opp. Parties***

Mr. Sarojananda Mishra,
Additional Government Advocate

**CORAM:
JUSTICE K.R.MOHAPATRA**

ORDER

08.02.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. The Petitioners in this writ petition pray for a direction to the Tahasildar, Khaira-Opposite Party No.3 to demarcate Plot No.2264 under Khata No.700 of Mouza-Garasankha under Khaira tahasil in the district of Balasore.
 3. It is submitted by Mr. Behera, learned counsel for the Petitioners that as the contiguous land owner of the Petitioner, namely, Sri Padmalochan Sahoo-Opposite Party No.4 forcibly constructed a road over the aforesaid plot recorded in the name of the Petitioners, he approached the I.I.C., Simulia P.S., who in term requested the Tahasildar, Khaira to demarcate the land. Pursuant to such request, the Tahasildar, Khaira issued notice to the Petitioners as well as Opposite Party No.4 on 7th December, 2021 (Annexure-6) to be present on 14th December, 2021 before him to take up hearing for demarcation of the aforesaid plot. But, thereafter, no step has been taken by the Tahasildar, Khaira

for demarcation of the land. Hence, this writ petition has been filed for the aforesaid relief.

4. Mr. Mishra, learned Additional Government Advocate submits that he has no instruction in the matter and prays for an adjournment to obtain the same.

5. Taking into consideration the nature of grievance made in this writ petition and order proposed to be passed, this Court disposes of the writ petition with a direction that in the event the Petitioners file an application for demarcation of the aforesaid plot before the Tahasildar, Khairra-Opposite Party No.3 within a period of two weeks hence along with certified copy of this order, he shall do well to call for objection from the boundary tenants and upon hearing the parties, if it is found that the Petitioners have made out a case of demarcation, proceed with the matter to demarcate Plot No.2264 under Khata No.700 of Mouza-Gadasankha under Khairra tahasil in the district of Balasore as expeditiously as possible preferably within a period of four months from the date of filing of the aforesaid application, if not already demarcated in the meantime.

6. It is made clear that this Court has not expressed any opinion on the merits of the case of the Petitioners.

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

(K.R. Mohapatra)
Judge