IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32246 of 2024

Jayanti Banasing .... Petitioner

Mr. A. Mishra, Advocate

-Versus-

The Collector, Mayurbhanj and others .... Opposite parties

Mr. B. Nayak, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
20.12.2024

Order No.

01. 1. Though the matter is not listed today, on being mentioned by learned counsel for the petitioner, it is taken up on Board by a Special Notice.

2. Heard Mr. Mishra, learned counsel for the petitioner and Mr. Nayak, learned AGA for the State appearing for opposite party No.4.

3. Instant writ petition is filed by the petitioner for a direction to opposite party No.3 to consider Annexure-3 in view of the impugned notice i.e. Annexure-2 issued in the meantime on the ground stated.

4. Mr. Mishra, learned counsel for the petitioner submits that the application seeking settlement of the schedule land by the petitioner and others is pending with opposite party No.3 without any decision thereon. It is further submitted that in the meantime, impugned notice dated 20th June, 2024 i.e. Annexure-2 for demarcation has been issued, whereafter, the representation as at Annexure-3 is moved, which was received on 26th June, 2024 but again, there has been no decision, hence, therefore, a direction may

perhaps be issued to opposite party No.3 to consider the same before any such coercive action is being taken against the petitioner.

5. Recorded the submission of Mr. Nayak, learned AGA for the State, who submits that the representation i.e. Annexure-3 and also the application under Annexure-1 should be examined on merit.

6. Since, the request for settlement of the land in question in terms of Section 6 of the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules made thereunder and as per Rule 2-A thereof, is sought for and in that connection, the application i.e. Annexure-1 is pending followed by Annexure-3 after the issuance of notice i.e. Annexure-2 for demarcation, the Court is inclined to direct opposite party No.3 to consider such grievance at the earliest and within a stipulated period before taking any coercive action or proceeding to hold the demarcation as per Annexure-2 at the same would serve the purpose and meet the ends of justice.

7. Accordingly, it is ordered.

8. In the result, the writ petition stands disposed of with the direction as aforesaid to be complied with by opposite party No.3 at the earliest preferably within a period of six weeks from the date of receipt of a copy of this order disposing of Annexures-1 and 3 received from the petitioner on 26th June, 2024 before any such demarcation is held in respect of the land involved.

9. Urgent copy of this order be issued as per rules.

Signature Not Verified
Digitally Signed
Signed by: BALARAM BEHERA
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 21-Dec-2024 16:22:27
Balaram

(R.K. Pattanaik)
Judge