IN THE HIGH COURT OF ORISSA AT CUTTACK W.P.(C) No. 22940 OF 2021

Ramakanta Sahu and another

Petitioners

Mr. Manomoy Basu,

Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Ms. Suman Pattnaik,

Additional Government Advocate

CORAM: JUSTICE K.R. MOHAPATRA

Order No.

ORDER 14.09.2021

I.A. No. 12051 of 2021

- 3. 1. This is an application for impleation of the encroacher over Gochar land as necessary party.
 - 2. Heard learned counsel for the parties.
 - 3. Taking into consideration the averments made in this application, prayer is allowed by impleading Gajendra Mahallik as Opposite Party No.4 in the writ petition. Consolidated cause title of the writ petition filed in Court today is taken on record.
 - 4. The I.A. is accordingly disposed of.

(K.R. Mohapatra) Judge

W.P.(C) No. 22940 OF 2021

- 4. 1. This matter is taken up through hybrid mode.
 - 2. Heard learned counsel for the parties.
 - 3. The grievance of the Petitioners in this writ petition is with regard to inaction of the Tahasildar, Remuna in initiating the proceeding under the O.P.L.E. Act, 1972 and proceeding with the matter in accordance with law.

- 4. Mr. Basu, learned counsel for the Petitioners submits that pursuant to the direction of this Court in W.P.(PIL) No. 10071 of 2019 and the observation made in RVWPET No. 266 of 2019, the Petitioners and others filed an application on 18th March, 2020 under Annexure-2 before the Tahasildar, Remuna for initiation of encroachment proceeding against the encroacher, namely, Opposite Party No.4. Upon receipt of the said application, the Tahasildar, Remuna directed the Revenue Inspector, Khirachora to conduct a field enquiry and submit his In obedience to the same, the Revenue Inspector, report. Khirachora vide his Letter No.243 dated 6th July, 2020 has already submitted his report under Annexure-3. But, thereafter, the Tahasildar, Remuna has not taken any action for initiation of encroachment proceeding against the Opposite Party No.4 for which the Petitioners and other co-villagers are seriously prejudiced.
- 5. On the prayer of learned State Counsel, this Court vide order dated 25th August, 2021 granted time to obtain instructions in the matter. However, Ms. Pattnaik, learned Additional Government Advocate for the State prays for some more time to obtain instructions in the matter with regard to initiation of the encroachment proceeding.
- 6. Taking into consideration the nature of grievance made in this writ petition and in view of the report submitted by the Revenue Inspector, Khirachora under Annexure-3, this Court feels that the Tahasildar, Remuna should initiate an encroachment proceeding and proceed with the matter in accordance with law.

- Opposite Party No.3 shall initiate a proceeding under the O.P.L.E. Act, 1972 against the Opposite Party No.4 or any other encroachers over the land in question and proceed with the matter in accordance with law within a period of three weeks from the date of production of certified copy of this order giving opportunity of hearing to the parties concerned including the Petitioners and Opposite Party No.4 and any other encroachers over the land in question and to see that the proceeding under the O.P.L.E. Act, 1972 is disposed of as expeditiously as possible preferably within a period of six months from the date of first appearance of the parties, if there is no legal impediment.
- 8. With the aforesaid observation and direction, this writ petition is disposed of.

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

(K.R. Mohapatra) Judge

bks