

(2021) 08 OHC CK 0006

In the Orissa High Court

Case No : Writ Petition (Civil) No. 1892 Of 2013

Dillip Kumar Mallick

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 02-08-2021

Acts Referred:

Citation : (2021) 08 OHC CK 0006

Hon'ble Judges : Dr. S. Muralidhar, CJ;B. P. Routray, J

Bench : Division Bench

Advocate : S. Panda, S.N. Das

Final Decision : Disposed Of

Judgement

1. The last listing of the present petition was on 26th February, 2013 which is more than eight and half years ago.

2. The allegation in the present petition was about encroachment made on the gochar land by Opposite Party Nos.7 to 37. They have filed an affidavit disputing the allegations. No rejoinder has been filed thereto.

3. Since the petition raises the disputed question of facts, the Court does not consider it appropriate to entertain the petition. However, it will be open

to the Petitioner, if the cause of action still survives, to ascertain the factual position as of date, and make a fresh representation not later than 4th

October, 2021 naming the persons

who have allegedly encroached on gochar land. If such a representation is submitted, then the Opposite Party No.4 (Tahasildar, Pattamundai) will

cause an inquiry to held by issuing notice to the Petitioner as well as the alleged encroachers and after hearing them pass a reasoned order not later

than 20th December, 2021.

4. It is made clear that this Court has not expressed any opinion on the contentions of the Petitioner. If the Petitioner is aggrieved by the decision of Opposite Party No.4, it will be open to him to seek appropriate remedies in accordance with law.

5. The writ petition is disposed of in the above terms.

6. An urgent certified copy of this order be issued as per rules.

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