
(2022) 04 OHC CK 0061
In the Orissa High Court
Case No : Writ Petition (C) No. 4466 Of 2022

Karunakar Malik

APPELLANT

Vs

Collector, Jajpur And Others

RESPONDENT

Date of Decision : 11-04-2022

Acts Referred:

Citation : (2022) 04 OHC CK 0061

Hon'ble Judges : K.R. Mohapatra, J

Bench : Single Bench

Advocate : H.S. Deo, S.N.Mishra

Final Decision : Disposed Of

Judgement

K.R. Mohapatra, J

1.This matter is taken up through hybrid mode.

2. Petitioner in this writ petition prays for a direction for early disposal of Demarcation Case No.794 of 2016 stated to be pending before Tahasildar, Darpan-Opposite Party No.3.

3. Mr. Deo, learned counsel for the Petitioner submits that the land in question is recorded in the name of the father of the Petitioner. When the Petitioner started construction of a toilet over the land in question, i.e., Plot No.2920 under Khata No.892 measuring an area Ac.0.130 decimal in mouza Majhipada under Darpan tahasil in the district of Jajpur (for short, 'the case land') the boundary tenant, namely, Hrushikesh Malik obstructed the construction of such toilet. Accordingly, the Petitioner filed an application for demarcation of the case land, which was registered as Demarcation Case No.794 of 2016. Although there is no civil, criminal or any other proceeding pending in respect of the case land and there is no legal impediment for disposal of the Demarcation case, Tahasildar, Darpan is not making any endeavour for disposal of the same. Hence, finding no other way out, this writ petition has been filed for the aforesaid relief.

4. Mr. Mishra, learned AGA submits that since copy of the writ petition has not been served on learned State Counsel, he could not take any instruction on the same.

5. Taking into consideration the grievance of the Petitioner, this Court is of the considered opinion that the Petitioner may file a fresh Demarcation Case, if cause of action still survives.

6. Accordingly, the writ petition is disposed of with a direction that in the event Petitioner files a fresh Demarcation Case for demarcation of the case land in proper format complete in all respect enclosing certified copy of this order within a period of two weeks hence, Tahasildar, Darpan shall do well to accept the same and dispose of the Demarcation Case within a period of eight weeks after issuing notice to the Petitioner as well as boundary tenant(s) to participate in the hearing of the Demarcation Case and to be present at the time of demarcation, if there is no legal impediment.

Issue urgent certified copy of the order on proper application.

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