
(2021) 07 OHC CK 0164
In the Orissa High Court
Case No : Writ Petition (Civil) No. 19496 Of 2021

Mahendra Naik

APPELLANT

Vs

State Of Odisha And Other

RESPONDENT

Date of Decision : 20-07-2021

Acts Referred:

Citation : (2021) 07 OHC CK 0164

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

Bench : Single Bench

Advocate : Hemanta Kumar Mohanta

Final Decision : Disposed Of

Judgement

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K.R. Mohapatra, J

1. This matter is taken up through video conferencing mode.
2. The Petitioner in this writ petition prays for a direction to consider his applications filed under Annexures-2, 3 and 4 in Encroachment Case No. 222/2016-17 stated to be pending before the Tahasildar, Saraskana-Opposite Party No. 3.
3. It is submitted by Mr. Mohanta, learned counsel for the Petitioner that Encroachment Case No.222/2016-17 was initiated against the Petitioner for unauthorized occupation of Government land. In the said case, the Petitioner appeared and filed applications dated 02.05.2016 (Annexure-2), 20.10.2019 (Annexure-3) and 26.11.2020 under Annexure-4 series for settlement of the encroached land in his favour. As yet the same has not been considered. Hence, he prays for the aforesaid relief.

4. Mr. Mishra, learned Additional Government Advocate for the State submits that the copy of the writ petition has not been served on him. Hence, he

is not in a position to obtain instruction in the matter. He, however, submits that since the proceeding was initiated in the year 2016, it must have been

disposed of in the meantime. As such, the application of the Petitioner might not have been entertained in the said encroachment case.

5. Taking into consideration the submissions made by learned counsel for the parties and on perusal of the record, it appears that the encroachment

proceeding was initiated in the year 2016 and there is nothing on record to show that the proceeding is still pending. It further appears that the

Petitioner has made certain applications for settlement of the encroached land in his name. Be that as it may, if the proceeding in Encroachment Case

No.222/201-17 is still pending before the Tahasildar, Saraskana-Opposite Party No.3, he should take a decision in the matter in accordance with law

considering the applications of the Petitioner stated to have been filed for settlement of the land.

6. With the aforesaid observation, the writ petition is disposed of.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order

available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide

Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.