

(2024) 02 OHC CK 0246
In the Orissa High Court
Case No : Writ Petition (C) No. 11129 Of 2023

Sudarsan Sahoo

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 27-02-2024

Acts Referred:

Citation : (2024) 02 OHC CK 0246

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : D.Panigrahi, S.Ghose

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. The matter is taken up through hybrid mode.
2. Heard Mr.Panigrahi, learned counsel for the Petitioner and Mr.Ghose, learned Additional Government Advocate for the State.
3. The grievance of the Petitioner is for disposal of Demarcation Case No.34 of 2019 pending before the Tahasildar, Dhanmandal (O.P.No.2).
4. The Tahasildar has filed counter affidavit stating therein that in the process of demarcation, the villagers appeared and objected it by submitting that the land actually belongs to the deity Sri Sri Durga Devi Thakurani and in this regard, R.P.Case No.4338 of 2001, 141 of 2019 and 280 of 2019 have been filed before the Commissioner of Land Records and Settlement, Odisha, Cuttack, which are pending till date. In the said R.P. Case recording of the land in favour of the Petitioner has been challenged with a prayer to restore the name of the It has been further stated in the counter affidavit that due to such objection raised by the villagers and keeping in view the challenge made in the R.P.Case in respect of recording made in the R.O.R., the demarcation case was postponed awaiting decision in those R.P.Cases.

5. The facts as stated in the counter affidavit remain uncontroverted by the Petitioner. Thus, when the objections with regard to recording of name of the Petitioner in the R.O.R. has been raised and undisputedly such R.P.Cases are being filed and pending before the court of the Commissioner, it would have been appropriate for the Tahasildar to drop the demarcation case instead postponing the same.

6. As such, the writ petition is disposed of with a direction to the Tahasildar (O.P.No.2) to pass appropriate order in the demarcation case within a period of two months from today.

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