

W.P.(C) No.4090 of 2014

2. 31.3.2014

Heard learned counsel for the parties.

This writ petition has been filed challenging the initiation of eviction proceeding in Encroachment Case No.1824 of 2013, as per the show-cause notice dated 16.01.2014, issued by the Tahasildar, Kendrapara (Annexure-5).

Considering the submissions made, I am not inclined to interfere in the matter at this initial stage when the petitioner has the opportunity to file her show-cause to the notice under Annexure-5.

It is open for the petitioner to file her show-cause, bringing it to the notice of the Tahasildar, Kendrapara that the land in question belongs to her and the same is not a Government land and further for the self-same land, Tahasildar, Kendrapara had initiated encroachment proceeding earlier, vide Encroachment Case No.1848 of 2010, which had been dropped.

In the event the petitioner files her show-cause before the Tahasildar, Kendrapara-opposite party no.3 pursuant to the notice under Annexure-5 within two weeks hence, the Tahasildar shall consider the same on merit and dispose of the Encroachment Case No.1824 of 2013 in accordance with law expeditiously, after giving opportunity of hearing to the petitioner.

It is needless to say that till disposal of the Encroachment Case No.1824 of 2013, no coercive action shall be taken against the petitioner in connection with the land in question.

Writ petition is accordingly disposed of.

Issue urgent certified copy as per rules.