

2. 28.12.2018

Heard learned counsel for the parties.

This writ petition has been filed with a prayer to direct the opposite parties to remove the encroachment over the Government Plot No.3130/3152 (Village road) in Khata No.590 of Mouza: Brahanigaon, PS/Tahasil: Binjharpur, in the district of Jajpur.

Learned counsel for the petitioner submits that some villagers in connivance with opposite party No.4-B.D.O., Binjharpur, have encroached the aforesaid land and are making construction over the same. Due to such construction ingress and egress to his residential house is severely affected. In that regard, he has made a representation and pursuant to the direction of opposite party No.2-Collector, Jajpur, an enquiry has been conducted by the opposite party No.3-Tahasildar, Binjharpur with the help of concerned R.I., who has reported that the land in question has been encroached. In that view of the matter, he prays for a direction to the opposite party No.3-Tahasildar, Binjharpur to take an early action for removal of such encroachment from the public road.

Mr.J.Pattnaik, learned Additional Government Advocate, on the other hand, submits that since the action has already been initiated by the opposite party No.3 pursuant to direction of Collector, Jajpur, no further direction need be issued in the matter.

Taking into consideration the submissions of learned counsel for the parties and the fact that ingress and egress to the house of the petitioner has been severely affected, the opposite party No.3-Tahasildar, Binjharpur is directed to take an early action in the matter for removal of

the encroachment, if any over the case land by giving opportunity of hearing to the parties concerned. In the meantime, Tahasildar, Binjharpur shall see that no further construction is made over the public road, i.e., situated over Government Plot No.3130/3152 (Village road) in Khata No.590 of Mouza: Brahanigaon, PS/Tahasil: Binjharpur, in the district of Jajpur.

Issue urgent certified copy of the order on proper application.

.....
K.R.Mohapatra, J.
(Vacation Judge)