



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.1533 of 2021

Gura Sethi and others

.... *Petitioners*

Mr. Om Swarup, Advocate

-versus-

Dibyajoti Smrutiranjana Deo, Tahasildar, Opposite Parties
Salipur and others

Mr. L. Samantaray, A.G.A.

CORAM:
THE CHIEF JUSTICE

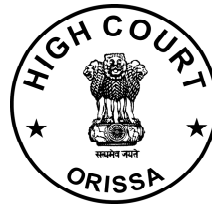
Order No.

ORDER
04.10.2024

02. This matter is taken up through Hybrid mode.

2. The petitioners are successors-in-interest of late Paramananda Sethi who had filed a writ petition bearing W.P.(C) No.34481 of 2020 before this Court alleging that opposite parties therein were encroaching upon his private land and a 60 feet wide road connecting their houses. The said writ petition was disposed of on 08.01.2021 without issuance of notice, requiring the Executive Engineer (Rural Works Division), Salipur to get the land demarcated, with a further observation that if in any manner the private land of the petitioners was getting encroached, the same should be left out of the area of construction. As regards the road, the learned Single Judge ordered that at least 10 feet width of it should be left for use by the petitioners.

3. Learned counsel appearing on behalf of the petitioner has attempted to convince this Court that the compliance of the said



order dated 08.01.2021 is not in its letter and spirit inasmuch as 10ft. wide road has not been left for use by the petitioners.

4. It is apparent from the materials on record that there are serious disputes about the factual position in respect of the land in question. Such aspect should not be gone into in a contempt proceeding. It is noteworthy that the writ petition was disposed of on the very first day when it was taken up without issuance of notice to the contesting opposite party No.5.

5. The contempt proceeding is accordingly dropped.

6. The petitioners shall however be at liberty to approach the appropriate civil court of competent jurisdiction for redressal of their grievances.

(Chakradhari Sharan Singh)
Chief Justice

S.K. Guin/P.A.