



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31846 of 2024

Latifa Khatun

....
Mr. C. Nayak, Advocate

Petitioner

-Versus-

State of Odisha & others

....
Mr. C.M. Singh, ASC
Mr. J.K. Mishra, Sr. Advocate (O.P. No.5)

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
03.04.2025

Order No.
07.

1. Heard Mr. Nayak, learned counsel for the petitioner and Mr. Mishra, learned Senior Advocate for opposite party No.5 besides Mr. Singh, learned ASC for the State.

2. In course of hearing, Mr. Nayak, learned counsel for the petitioner submits that opposite party No.5 and others have been restrained by the order in FAO No.08 of 2023 arising out of I.A. No.177 of 2022 corresponding to C.S. No. 327 of 2022, whereas, the order of status quo is in respect of I.A. No.163 of 2022 arising out of C.S. No.303 of 2022 and as such, it was well within the knowledge of the learned Tahasildar, Vyasagar, Jajpur Road before proceeding with the demarcation. Mr. Mishra, learned Senior Advocate for opposite party No.5 submits that as per the SOP, a written declaration about prior litigation is necessary and it was not before the concerned Tahasildar before demarcation. It is further submitted that opposite party No.5 was not present at the time of such demarcation. Mr. Singh, learned ASC produced the file of the



Office of the learned Tahasildar, Vyasaganar, Jajpur Road and submits that the demarcation was held with a notice and in so far as opposite party No.5 is concerned, he did not turn up despite such note and date fixed. On the contrary, it is claimed that earlier petitions for times was taken notice of but the adjourned date for demarcation was not within the knowledge of opposite party No.5. That apart, the submission of Mr. Mishra, learned Senior Advocate is that the petitioner did not furnish any such written declaration while seeking demarcation with regard to the pendency of the suits before the learned Civil Court, hence, to consider, whether, it was duly complied with, since SOP demands the same. Mr. Singh, learned ASC is further directed to obtain instructions and to reply back for further hearing and orders.

3. List on 17th April, 2025 for final orders.

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified

Digitally Signed
Signed by: BALARAM BEHERA
Reason: Authentication
Location: OHC, CUTTACK
Date: 10-Apr-2025 12:07:45

