

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.150 OF 2022

Laman Nayak

....

Petitioner

Mr.P.K.Satapathy, Adv.

-versus-

State of Odisha & ors.

....

Opposite Parties

Mr.S.Ghose, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
6.1.2022**

Order No.

01. 1. This case has a checkered background already involving so many Writ Petitions being disposed of, as finds place at Pages-19 to 21 of the Brief. Finally on the direction of the Collector, Balasore at Page-21 of the Brief, the Tahasildar concerned in disposal of the OPLE Proceeding, vide L.E. Case No.23/2021-22 has come to observe that the Petitioner is an encroacher and there is direction for vacating the land with imposition of penalty and posting of the Proceeding to 7.1.2022 for further action. It appears, in the meantime, the Petitioner has already preferred an Appeal following statutory remedy available to him. The Appeal appears to have been registered as Misc. Appeal Case No.169 of 2021 now pending before the Sub-Collector, Balasore.

2. The Petitioner claims, even though he has filed an Interim Application involving the Appeal pending indicated herein above but there has been no interim protection as of now. In the meantime, there is likelihood of taking action against the Petitioner pursuant to the observation of the Tahasildar in posting the case to 7.1.2022.

3. It is in this view of the matter, this Court taking into consideration that the Petitioner has already preferred a statutory Appeal and the Appeal appears to have been registered making the Writ Petition premature, directs the Sub-Collector, Balasore to dispose of Misc. Appeal Case No.169 of 2021 within a period of three months from the date of receipt of this order by the Petitioner but however providing opportunity of hearing to the Petitioner. Till a decision is taken on the said Appeal, there shall be status quo as on today in respect of the disputed property by both the Parties.

4. The Writ Petition stands disposed of with the above direction.

5. Issue urgent certified copy.

(Biswanath Rath)
Judge

M.K.Rout