

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.363 OF 2022

***Bijay Kumar Sahoo @ Manmatha
Kumar Sahoo***

....

Petitioner

Mr.S.Dwibedi, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.U.K.Sahook, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**Order
No.**

**ORDER
10.1.2022**

- 01.
1. This matter is taken up through Video conference mode.
 2. Referring to the order of this Court at Annexure-2, learned counsel for the Petitioner alleges that in the worse, this Court has directed for disposal of the Encroachment Proceeding Nos.5 to 15 of 2021 and since the Petitioner was involved in Encroachment Proceeding No.9 of 2021, he should have been at least provided with an opportunity of hearing before passing the order at Annexure-1.
 3. From the submissions of rival counsel, this Court finds, for the Petitioner obtaining the order from this Court in W.P.(C) No.200609 of 2021, it becomes the duty of the Petitioner to attend the Proceeding before the Tahasildar. In the event the Petitioner is aggrieved by the impugned order under Annexure-1 for non-compliance of the principle of natural justice, it is open to the Petitioner to take such grounds in a duly constituted Appeal involving such order.
 4. In course of hearing, learned counsel for the Petitioner sought for two weeks' time to file Appeal. Considering the submission made, this Court in disposal of the Writ Petition observes, in the event the Appeal is filed along with necessary Application, delay involving the

Appeal shall be condoned and the Appeal shall be heard on its own merit and the Interim Application, if any, by the Petitioner shall be considered and disposed of within a period of two weeks from the date of its filing. Till four weeks, there shall be status quo in respect of the disputed property involved.

5. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout of the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

M.K.Rout

