

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C).No.776 of 2022

Laxmi Narayan Mohanty.

Petitioner(s)

Mr.Bibekananda Bhuyan,
Advocate

-versus-

State of Odisha & Ors.,

Respondent

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
11.01.2022**

Order No.

9.

1. This matter is taken up through Video Conferencing Mode.
2. Heard learned counsel appearing for the parties.
3. In course of submission, Mr.Bhuyan, learned counsel appearing for the petitioner seeks withdrawal of this writ petition with liberty to the petitioner to file appeal under Section 274 of the Orissa Municipal Act, 1950. In view of the above, the writ petition stands disposed of as withdrawn but, however with liberty, as prayed for. Considering petitioner bonafidely and under wrong impression is moving this Court in spite of statutory provision of appeal, this Court permits the petitioner to file appeal at least within a period of ten days hence along with an application for condonation of delay and interim protection application, in such event the delay shall be condoned and the appeal will be heard on its own merit. In the event there is no eviction and or demolition of the disputed premises, status quo in respect of the same shall be maintained by both the parties for at least four weeks within which period the interim application of the petitioner shall be decided.
4. With this observation and direction, the writ petition stands disposed of.
5. As restrictions due to resurgence of COVID-19 situation are

continuing, learned counsel for the parties may utilize a printout copy 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 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

Sks

