

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.15948 OF 2006

Purna Chandra Baral

....

Petitioner

Mr.B.Pradhan, Adv.

-versus-

State of Orissa & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
20.10.2022**

Order No.

4. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-
- “It is therefore, humbly prayed that the Honourable court may graciously be pleased to
1. Admit the writ application.
2. (A) Issue rule Nisi calling upon the Opposite Parties to show cause as to why the Opposite Parties shall not be prohibited from interfering in the possession of the petitioner in respect of the suit land who is going to be evicted by the Opposite Parties illegally from Stitiban land of the petitioner.
- (B) And if the Opposite Parties do not show cause or show insufficient cause, issue a direction prohibiting the opposite parties from interfering with the possession and enjoyment of the petitioner in respect of the land and the shop rooms described in schedule below of this writ application.”

3. Reading the prayer portion, it appears, the Writ Petition was filed on anticipated cause of action of the year 2006. Entertaining the Writ Petition, this Court has passed the following orders.

“13.12.2006 Heard learned counsel for the petitioner.

Seven extra copies of the writ petition be served on the learned counsel for the State by tomorrow who shall obtain instruction in the matter.

Put up this matter in the month of February, 2007.

Sd./-Chief Justice

Sd./-M.M.Das, J.

Misc. Case No.14202 of 2006

13.12.2006 In the meanwhile, the petitioner shall not be evicted from the property recorded in his name under Annexure-3 to the writ petition, till the next date.

Sd./-Chief Justice

Sd./-M.M.Das, J.”

4. Reading the aforesaid orders, this Court finds, there has been grant of no eviction order of the Petitioner from the disputed property and the same is continuing nearly sixteen years. In the circumstance and for the long continuance of the interim protection, this Court does not find any cause of action surviving presently. There is also no counter affidavit by the O.Ps. contesting the claim of the Petitioner.

5. Be that as it may, this Court disposes of the matter observing in the event any cause of action in the matter of eviction of the

Petitioner survives, there may be initiation of appropriate exercise and decision, as appropriate, after involving the Petitioner bet taken.

(Biswanath Rath)
Judge

M.K.Rout

