

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.510 of 2016

Rajan Nath @ Rajkishore Nath ***Appellant***

Mr. Santosh Kumar Dash, Advocate
-versus-

State of Orissa and others ***Respondents***

Mr. Debakanta Mohanty
Additional Government Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH

ORDER
12.10.2022

Order No.

03. 1. The contention of the learned counsel appearing for the Appellant is that while passing an order against the Appellant in the encroachment case, the Authority in question ought to have noticed that he is a person without any homestead land and should have applied the provisions of Section 7(2)(b) of the Orissa Prevention of Land Encroachment Act, 1972 (OPLE Act).
2. Unfortunately for the Appellant, the order of the Authority in the encroachment case has not been enclosed either with the writ petition or even this present writ appeal. Therefore, the Court is unable to appreciate whether the above factor was in fact taken note of by the Authority in question. Be that as it may, if the order of the Authority in the encroachment case does not advert to Section 7(2)(b) of the OPLE Act, it would be open to the Appellant

to initiate separate proceedings in that regard in accordance with law.

3. With the above observations, the present writ appeal is disposed of.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S. Behera

