

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.1677 OF 2022

Sun Rise Club, Parjanga & anr.

....

Petitioners

Mr.S.Mohanty, Adv.

-versus-

Collector, Dhenkanal & ors.

....

Opposite Party(s)

Mr.S.Ghose, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
21.1.2022**

**Order
No.**

01.

1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Parties.
3. There is no dispute at the Bar that the order involved herein is appealable. Keeping in view the statutory remedy appeal is available, this Court is also of the opinion that the grounds raised herein can very well be agitated before the appellate authority and be adjudicated by the appellate authority. In the circumstance, this Court permitting the Petitioner to withdraw the Writ Petition grants liberty to the Petitioner to file an appeal within two weeks along with applications for condonation of delay and interim protection, in which event the delay shall be condoned and the appeal shall be heard on merit. So far as the application for interim protection is concerned, the same shall be heard and disposed of within six weeks. In the meantime, there shall be status quo in respect of the disputed property by both sides till such outcome. In the event the Petitioner still possesses the disputed land, it may not be disturbed till the application for interim protection is disposed of by the appellate authority.

4. 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.

(Biswanath Rath)
Judge

M.K.Rout

