

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9728 of 2015

Jogi Naik and others

.....

Petitioners

Mr. P.R. Barik, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

02.11.2022

Order No.

05.

This matter is taken up through hybrid mode.

2. Heard Mr. P.R. Barik, learned counsel for the petitioners and Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioners have filed this writ petition seeking direction to the opposite parties to pay just and fair compensation to the petitioners for acquisition of their land in question within a stipulated time.

4. Mr. P.R. Barik, learned counsel for the petitioners contended that the initiation of encroachment proceeding against the petitioners is bad. Therefore, the petitioners have approached this Court by filing this writ petition.

5. Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties contended that if the petitioners are aggrieved by any action of the Tahasildar, Kamakshyanagar, Dhenkanal, the said order is appealable one. Without availing the alternative remedy, the petitioners have approached this Court by filing this writ petition directly which is not maintainable.

6. Having heard learned counsel for the parties and after going through the records, since the order passed by the Tahasildar, Kamakshyanagar, Dhenkanal is appealable one, liberty is granted to the petitioners to avail the alternative remedy before the appropriate forum.

7. With the above observation and direction, the writ petition stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(DR. B.R. SARANGI)
JUDGE

Alok/Subhasmita

(G. SATAPATHY)
JUDGE

