

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C).No.2701 of 2022

Durga Prasad Mishra

....

Petitioner(s)

Mr.H.N.Mohapatra.
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
14.02.2022

Order No.

1.

1. Heard learned counsel appearing for the parties.

2. Petitioner has allegation through paragraphs-7 and 8 of the brief that following a disposal direction of this Court and after coming to know that an encroachment proceeding is undertaken against the petitioner, petitioner attempted to file his show cause in Encroachment Case No.4-19/2021 vide Annexure-4. Petitioner alleges that the office of the competent authority having refused to receive such objection, finding no other option, petitioner has already send the copy of the same through registered post. Keeping this in view, learned counsel appearing for the petitioner made a request for a direction to the Tahasildar, Puri at least to take into account the objection of the petitioner for consideration of the Encroachment Case No.4-19/2021.

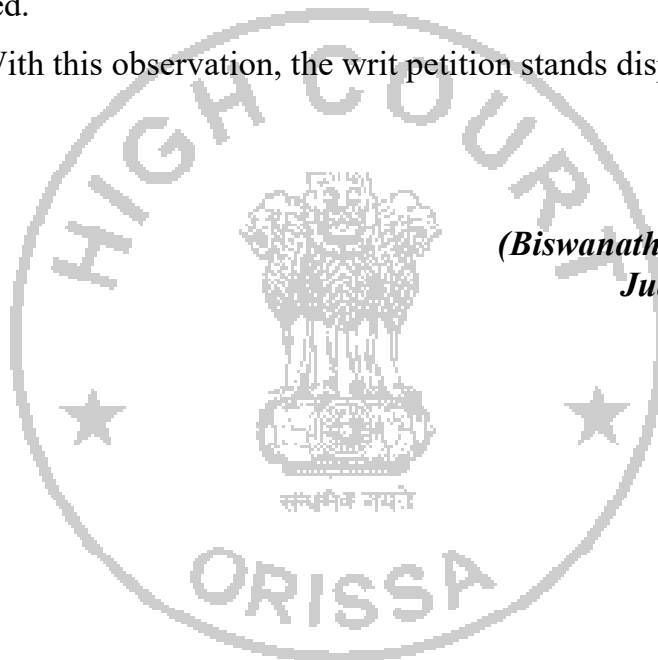
3. Mr.Panda, learned Additional Government Advocate however appearing for the State submitted that in the event the Tahasildar Office is already in receipt of show cause at Annexure-4 and the proceeding is still pending, there is no difficulty in considering the case of the petitioner involved herein.

4. Considering the rival contentions of the parties, this Court finds since there is already initiation of Encroachment Case No.4-19/2021, in the event there is pendency of such proceeding in the office of the Tahasildar, Puri-opposite party no.4, objection at Aanenxrue-4 if is in receipt of the Tahasildar, Puri, not only the objection at Annexure-4 shall be taken into consideration but the petitioner shall also be given a chance of hearing in the finality of Encroachment Case No.4-19/2021.

5. Let the petitioner appear before the Tahasildar, Puri along with certified copy of this order at least by 18.02.2022 to take the date of further proceeding in the event the proceeding is still not finally concluded.

6. With this observation, the writ petition stands disposed of.

(Biswanath Rath)
Judge



Sks