

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 6033 OF 2022

Kailash Pradhan

.... Petitioner

Mr. Maheswar Mohanty, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Miss Samapika Mishra,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
25.03.2022**

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. Grievance of the Petitioner in this writ petition is with regard to inaction of the Sub-Divisional Officer-cum-Sub-Collector, Balasore-Opposite Party No.3 in disposing of the petition for interim protection under Annexure-10 filed in L.E. Appeal No. 146 of 2021.
3. 3. Mr. Mohanty, learned counsel for the Petitioner submits that assailing the order dated 11th November, 2021 (Annexure-8) passed by the Tahasildar, Balasore in Land Encroachment Case No. 168 of 2019-2020, the Petitioner preferred L.E. Appeal No.146 of 2021 before Opposite Party No.3. Along with the appeal memo, the Petitioner also filed an application under Section 12(4) of the O.P.L.E. Act, 1972. It is his submission that the Opposite Party No.3 is not taking any step for early disposal of the interim petition for which the Petitioner is apprehending eviction at any moment and in that

event, L.E. Appeal No. 146 of 2021 would become infructuous. Hence, he prays for a direction for early disposal of the same.

4. Miss Mishra, learned Additional Standing Counsel submits that she has no instruction in the matter. However, a direction may be made for early disposal of L.E. Appeal No. 146 of 2021, if the same is ready for hearing and there is no legal impediment for early disposal of the appeal itself.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that interest of justice will be best served, if a direction is made for early disposal of L.E. Appeal No. 146 of 2021.

6. Accordingly, this writ petition is disposed of directing the Sub-Divisional Officer-cum-Sub-Collector, Balasore- Opposite Party No. 3 to consider and dispose of L.E. Appeal No. 146 of 2021 in accordance with law as expeditiously as possible preferably within a period of six months from the date of production of certified copy of this order, if there is no legal impediment. Till disposal of L.E. Appeal No.146 of 2021, status quo with regard to possession over Plot No.48 to an extent of Ac.0.02 decimals under Khata No. 511 of mouza Sahadevkhunta in the district of Balasore shall be maintained.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks