

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9726 of 2015

*Udaynath Nayak*

.....

*Petitioner*

*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 petitioner and Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties.
3. The petitioner has filed this writ petition seeking to quash the Encroachment Case No.415 of 2012-13 initiated against the petitioner and the Record of Rights published on 15.09.2014 within a stipulated time.
4. Mr. P.R. Barik, learned counsel for the petitioner contended that the initiation of encroachment proceeding against the petitioner is bad. Therefore, the petitioner has 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 petitioner is aggrieved by any action of the Tahasildar, Kamakshyanagar, Dhenkanal, the said order is appealable one. Without availing the alternative remedy the petitioner has 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 any action taken by the Tahasildar, Kamakshyanagar, Dhenkanal in Encroachment Case No.415 of 2012-13 is appealable one, liberty is granted to the petitioner 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**

