

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8921 of 2022

Sanjulata Barik

....

Petitioners

Mr. A.K. Nayak,
Advocates

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. U.K. Sahoo,
ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
13.04.2022**

Order No.

01. 1. This writ petition involves a challenge to the impugned order at Annexure-1. This is in the 5th round of litigation at the instance of the Petitioner. In the 4th round of litigation by the Petitioner involving W.P.(C) No.38383 of 2021, this Court in detailed discussion therein also taking into consideration the clear provision in the Orissa Public Premises (Eviction of Unauthorized Occupants) Act, 1972, had laid down the manner of disposal of the appeal. In the 4th round of litigation, there was also setting aside of the order of the appellate authority and thereby remanding the matter for fresh disposal in terms of the direction in disposal of the W.P.(C) No.38383 of 2021.

Taking this Court to the appellate order Mr. Nayak, learned counsel for the Petitioner contended that even though the appellate authority issued notice to both the appellants and the Estate Officer

as well for the purpose of hearing of the matter in terms of the provision, but however, there is no hearing as yet. It also appears that there is no involvement of the Petitioner i.e. the appellant therein in disposal of the appeal otherwise.

2. It is, keeping this in view, this Court finds, the impugned order is not sustainable in the eye of law as it is not in terms of the direction in W.P.(C) No.38383 of 2021. The matter is, therefore, remitted back to the appellate authority. The Petitioner is directed to appear before the appellate authority on 26th April, 2022 and take the date of hearing. Learned State Counsel is directed to ensure appearance of the Estate Officer before the appellate authority on 26th April, 2022. The appeal proceeding is directed to be concluded within a period of two months from the date of appearance of the parties, but however, in the involvement of both the Petitioner herein and the Estate Officer.

3. The writ petition stands disposed of with the above direction.

(Biswanath Rath)
Judge