

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C). No.9199 of 2022

Arabinda Parida

....

Petitioner(s)
Mr. S.S.K.Subudhi,
Advocate

-versus-

State of Odisha & Ors.

....

Opp.Party(s)
Mr.S.Ghose, ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
12.04.2022

Order No.

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1. Heard learned counsel appearing for the petitioner.
2. This writ petition involves a challenge to the order at Annexure-9 appears to have been passed under Section 91(1) of the O.D.A. Act, 1982. Petitioner has a clear remedy of appeal. Learned counsel appearing for the petitioner explains for avoiding the appeal and moving this Court on the premises that in the event the petitioner files appeal within a period of fifteen days, as provided under the statute, the appeal of this nature are not being taken up by the appellate authority immediately and in the meantime, there is danger of challenging to the order at Annexure-9. This Court finds, such a recourse should have been avoided by the petitioner. Even after filing of appeal, no decision could be taken within appropriate time.
3. Be that as it may, finding the petitioner bonafidely moving this Court by filing this writ petition, while observing the writ petition is not entertainable at this stage of the matter but, however, this Court disposes the same granting seven more working days time from today to the petitioner in preferring appeal along with an application for condonation of delay and also interim protection application. In the event the petitioner files appeal along with an application for condonation of delay and also with an application for interim protection within the aforesaid

time. the delay shall be condoned and the appeal shall be heard on its own merit and the interim application, to be filed by the petitioner within the time stipulated hereinabove, the operation of the impugned order dated 31.03.2022 at Annexure-9 shall remain stayed at least for a period of six weeks within which period the Interim Protection application of the petitioner involving the appeal shall be decided.

4. Issue urgent certified copy of this order on proper application.

(Biswanath Rath)
Judge

Sks

