

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9599 of 2022

Satish Kumar Goyal

....

Petitioner(s)

Mr. D.R. Bhokta,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S.P. Panda,
Addl. Govt. Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER

27.04.2022

Order No.

01.

1. There is a serious allegation against the Tahasildar to the effect that when the Tahasildar issued notice on 5.04.2022 asking the Petitioner to appear on 11.04.2022 to have his say in the proceeding under the provision of the O.P.L.E. Act, at the same time there is also issuance of a notice for vacation of the land involved therein as appearing at page 11 of the brief. Mr. Bhokta, learned counsel for the Petitioner thus challenged the notices on the premises that during pendency of the proceeding under the OPLE Act, the Tahasildar has no authority to issue the final order for vacation of the disputed land.
2. Mr. Panda, learned State Counsel in his opposition though did not raise any objection to the documents at Annexures-2 & 3, however raises a doubt on the genuineness of the same.
3. Considering the rival contentions of the parties, this Court is of the view that if the documents at Annexures-2 & 3 (series) are genuine, there should not be any direction for vacation of the disputed land in question on the date the order at Annexure-2 is passed.

In the circumstance, this Court while setting aside the notice as available at page 11 of the brief asking the Petitioner to vacate the disputed land in question, permits the Petitioner to appear before the Tahasildar, Kodinga-Opposite Party No.4 on 2.05.2022 and file his objection to the such proceeding and take the date of hearing of the OPLE proceeding No.4-1072/2022 and such proceeding shall thereafter be heard and disposed of in accordance with law but providing opportunity of hearing to the Petitioner.

4. With the above direction the writ petition stands disposed of.

(Biswanath Rath)
Judge

