

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C).No.9970 OF 2022

Ushamani Devi & Anr.

....

Petitioner(s)

Mr. Gopinath Mishra,
Advocate

-versus-

Tahasildar, Bhubaneswar

....

Opposite Party(s)

Mr.S.Ghose, ASC

**CORAM:
JUSTICE BISWANATH RATH**

ORDER

16.05.2022

Order No.

04

1. Heard learned counsel appearing for the parties.
2. This writ petition involves apprehended eviction by the competent authority. Factual background discloses petitioners have already filed a Civil Suit bearing C.S.No.1295 of 2008, which unfortunately has been dismissed for non-prosecution. Further information comes to the application that on dismissal of the suit for non-prosecution, there is C.M.A. No. 96 of 2019 pending consideration. This Court finds for technical dismissal of the suit, there is however possibility of restoration of the suit. In the circumstance, this Court also finds in the event the Civil Suit gets restored, there is also possibility of consideration of injunction. As a matter of fact, in disposal of W.P.(C).No.20627 of 2021, a coordinate Bench of this Court has already been directed the petitioners to move injunction application before the Civil Court.
3. Be that as it may, since petitioners are in long possession of the disputed property and their suit even though dismissed on technical ground, for the time being petitioners should be protected at least till their suit is regularized and decided. Consequently, this Court directs there shall be no coercive action involving the petitioners till their Civil

Suit is restored and decided. This Court also directs the petitioners to take appropriate steps in the finality of the C.M.A. for restoration of the Civil Suit involved herein.

4. The writ petition stands disposed of with the observation and direction made hereinabove.

(Biswanath Rath)
Judge

Sks

