

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10512 of 2022

Ashes Kumar Nanda

....

Petitioner(s)

Mr. U.Ch. Jena,
Advocate

-versus-

Collector, Malkangiri & Ors.

....

Opposite Party(s)

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

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
26.04.2022**

Order No.

01. 1. Undisputedly the Petitioner was permitted to file appeal under the OPLE Act before the Statutory Appellate Authority. As a consequence of filing of the appeal vide OPLE Appeal No.27/2021, the same was decided finally by the appellate authority on 22.04.2022. Bringing to the notice of this Court the eviction notice at Annexure-1 it is alleged that on the day the appellate authority dismissed the appeal the Tahasildar issued notice for vacating the disputed land. It is alleged that since the Petitioner has scope of revision U/s.12(2) of the OPLE Act, the Tahasildar should have waited at least till the revision exercise is over and at least till expiry of period of filing of the revision.
2. Mr. Panda, learned State Counsel defending the impugned order submitted that there is no prohibition to the Tahsildar in undertaking the eviction exercise. He, however, did not dispute to the manner of issuance of eviction notice on the date of disposal of the

appeal itself. There is also no dispute that the Petitioner has clear Revision scope and time for Revision is yet to expire.

3. Considering the rival contentions of the parties, this Court finds, there is issuance of eviction notices on the date of disposal of the appeal itself. For the availability of statutory remedy of revision and Revision time since not expired, this Court finds surprise on the behavior of the Tahasildar. For the view of this Court, no such proceeding can be initiated unless the time for revision is expired and/or the Petitioner does not prefer within desired time. This Court accordingly quashes the impugned order at Annexure-11. Considering that the period of Revision is still there and since the Petitioner is intended to file Revision, he may file Revision and obtain an interim protection therein from the revisional court. It is further directed that status quo as on today in respect of the disputed property in question shall be maintained by both the parties till the revisional court decides the I.A. to be filed by the Petitioner.

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

(Biswanath Rath)
Judge