

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.12352 OF 2022

Dharanidhar Naik

....

Petitioner

Mr.S.K.Mishra, Adv.

-versus-

State of Odisha & anr.

....

Opposite Party(s)

Mr.S.Mishra, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
12.7.2022**

Order No.

04.

1. Heard learned counsel for the Parties.
2. This Court has passed certain observations involving the encroachment proceeding in its order dated 18.5.2022. In adjournment of the matter, as appears, this Court also kept the option open to the Competent Authority, if necessary, the matter involved was to be re-opened.
3. On the basis of counter-statement, Mr.S.Mishra, learned ASC makes it clear that on further perusal of the Case Record, the Authority satisfied on the allegation of non-compliance of natural justice and suo motu re-opened the file and posted the Encroachment Case involved herein to 19.7.2022 for fresh disposal.

4. Mr. S.K.Mishra , learned counsel for the Petitioner, however objects not receiving any counter affidavit.

5. For the clear statement made by Mr.S.Mishra, learned ASC, this Court finds, for the re-opening of the Encroachment Case 57/2021, there is no purpose in keeping this Writ Petition pending any further except permitting the Petitioner to participate in such proceeding. However, copy of the counter since not served on the learned counsel for the Petitioner, the Petitioner is yet to know the further development. Mr.S.Mishra, learned ASC undertakes to serve copy of counter on the learned counsel for the Petitioner. This Court while disposing of the Writ Petition directs the Tahasildar, Sonapur, O.P.4 to dispose of Encroachment Case 57/2021 afresh involving the Petitioner granting him at least seven days' time for submission of his objection on his appearance on 19.7.2022. Petitioner will have also opportunity of hearing in the fresh adjudication process.

6. Issue urgent certified copy.

7. A free copy of this order be supplied to Mr.S.Mishra, learned ASC.

(Biswanath Rath)
Judge

M.K.Rout