

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.13574 of 2022

Ananta Kumar Sahoo

....

Petitioner(s)

Mr.A.Mishra,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S.Ghose, AGA

**CORAM:
JUSTICE BISWANATH RATH
ORDER
22.07.2022**

Order No.

3.

1. Heard learned counsel appearing for the parties.

2. This writ petition involves a challenge to the impugned order at Annexure-7 passed by the Appellate Authority in entertaining an Appeal under Section 9 of the Orissa Public Premises (Eviction of Unauthorized Occupants) Act. Learned counsel appearing for the petitioner taking this Court to the pleading and the date of order contended that the proceeding was undertaken during the COVID period, there has been adjournment ensuring the petitioner regarding intimation of date of hearing but for there is no such information to the petitioner, for which the petitioner is unable to appear and place his case. Taking this Court to the recording of the appellate authority, learned counsel for the petitioner also attempted to justify this aspect. In the process, learned counsel appearing for the petitioner sought for interference of this Court in the impugned order and to provide one more opportunity directing the appellate authority for rehearing and re-disposal of the appeal involving the writ petition.

3. Mr.Ghose, learned Additional Government Advocate however through the authorities record contended that there has been providing of

opportunities to the petitioner but he did not appear and contest the matter. There is however no denial to the ex party nature of order.

4. Considering the rival contentions of the learned counsel appearing for the parties and for the specific pleading in the writ petition, taking into account the date of order on 3.11.2021, this Court finds at this point of time the State was reeling under grave COVID situation, there is possibility of non-appearance.

5. Be that as it may, appeal of this nature should be disposed of on contest of the parties. In the process, it is on account of providing natural justice to the parties, this Court interferes in the appellate order at Annexure-7 and sets aside the same. However since the appeal is required to be re-adjudicated under the provision of section 9 of the Orissa Public Premises (Eviction of Unauthorized Occupants) Act, this Court in disposal of the writ petition directs the petitioner to appear before the Appellate Authority on 09.08.2022 along with certified copy of this order and take the date of hearing. If so advised, petitioner may also file additional written statement, if any, on the date of appearance itself. In such event, the Appellate Authority shall do well on receipt of copy of the order of this Court provide a firm date of hearing of the matter to the petitioner. Hearing of the proceeding be fixed also involving the parties and hearing be concluded on the next date of posting of the matter. The matter be disposed of within two months hence. Till two months, there shall be no coercive action against the petitioner.

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

(Biswanath Rath)
Judge

sk/s