

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13605 of 2022

Banamali Mohanty

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

27.05.2022

Order No

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard learned counsel for the Parties.
- 3.** It is submitted that against the order of eviction passed by the Tahasildar, Niali, the Petitioner preferred an appeal before the learned Sub-Collector, Cuttack in OPLE Appeal Case No.16 of 2021.
- 4.** It is submitted that during pendency of the matter before the Appellate Authority, the Tahasildar, Niali-Opposite Party No.5 has issued the notice dated 20.05.2022 under Annexure-7 directing the Petitioner to vacate the encroached land within a period of seven days.
- 5.** Since an appeal is pending before the Appellate Authority against the order of eviction passed by the Tahasildar, Niali, this Court observed that if the Petitioner files an interim application in the pending appeal within a period of seven days from today, the said Appellate Authority shall take up the same and pass an appropriate order in accordance with law within a further period of two weeks. Till a decision is taken on such interim application of the Petitioner, no coercive action shall be taken against the Petitioner pursuant to the notice under Annexure-7.

6. Learned counsel for the Petitioner is directed to produce a copy of this order before the learned Sub-Collector, Cuttack by 31.05.2022.

7. The Writ Petition is disposed of accordingly.

Biraja Prasanna Satapathy
(Vacation Judge)

Subrat

