

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC No. 13842 of 2022

Kunja Bihari Nanda

....

Petitioner

Mr. P.S. Nayak, Advocate

- Versus -

**The Sub-Collector, Rairakhol and
another**

.... **Opposite Parties**

Mr. D.K. Mishra, Addl. Govt. Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

17.06.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Govt. Advocate for the State.
3. The petitioner has approached this Court with the following prayer:

“Therefore, the petitioner prays that your Lordship may graciously be pleased to consider the facts stated in the petition allow the same and issue Rule NISI to the opp.Party No.2 to show cause as to why a writ of certiorari/mandamus shall not be issued quashing the eviction notice under Annexure-5 and thereby directing the opposite party no.2 to recommend for settlement of petitioner’s occupied land under Section 8(A)(2) of OPLE Act, 1972;

And if the Opposite parties fail to show cause or show in sufficient cause then make the rule absolute”

4. The impugned order is appealable as per Section 12 of the OPLE Act. Further law also permits the petitioner to move an application for stay before the appellate authority under Section 12(4) of the OPLE Act. In such view of the matter, without expressing any opinion on the merits of the case, the writ petition is disposed of granting liberty to the petitioner to prefer an appeal within the prescribed period of limitation along with

an application for stay of eviction. In case the appeal is filed within the prescribed period, the appellate authority shall consider the petition for stay in accordance with law. Till such time, no coercive action shall be taken against the petitioner.

5. Issue urgent certified copy as per rules.

(Sashikanta Mishra, J)
Vacation Judge

A.K. Rana

