

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P.(C) No.14349 OF 2022**

***Baga Narasingha***

....

***Petitioner(s)***  
Mr.C.R.Lenka,  
Advocate

-versus-

***Collector and others***

....

***Opposite Party(s)***  
Mr. S.P.Panda,  
AGA

**CORAM:**  
**JUSTICE BISWANATH RATH**

**ORDER**  
**13.07.2022**

**Order No.**

03.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves a challenge to order at Annexure-3, a final notice of eviction involving the Petitioner Under Khata No.629, Plot No.752/1729 mentioned therein. Bringing the Writ Petition, Petitioner alleges that the impugned order has been issued without following due process of law.
3. Considering there is serious allegation and as the law has been settled observing no demolition without following due process of law, this Court directed the learned State Counsel to file counter answering the allegation made therein. Through the counter it has been brought to the notice of the Court that there has been repeated encroachment proceedings under the provision of OPLE Act involving the Petitioner. It is specifically stated in the counter that there is not only completion of such proceeding but Petitioner also went on depositing penalty for

being adjudicated as an encroacher. There is also no challenge to such proceeding as of now.

4. In the circumstance, this Court finds, there is no strength on the submission of the Petitioner and as notice under Annexure-3 is a notice pursuant to OPLE proceeding. It is at this stage of the matter Mr. Lenka, learned counsel for the Petitioner seeks withdrawal of the Writ Petition to avail other remedy available to him.

5. With this liberty the Writ Petition stands disposed of. Petitioner is not evicted and the land is not otherwise required for any immediate public purpose, there shall be protection of the Petitioner involving the land involved at least for three weeks within which period the Petitioner will undertake the recourse available to him.

**(Biswanath Rath)**  
**Judge**

Swarna

