

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14367 of 2022

Kamala Mallik and others

...

Petitioners

Mr. B.N. Mohapatra, Advocate

-Versus -

State of Odisha and others

....

Opposite Parties

*Mr. S.S. Mohapatra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

13.06.2022

W.P.(C) No. 14367 of 2022

&

I.A. No. 7616 of 2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. The petitioner is aggrieved by order dated 25.11.2021, passed by the Tahasildar, Vyasagar in Encroachment Case No.161 of 2021, wherein it has been held that the land in question cannot be settled in his favour. It is contended that the Petitioner has been occupying the land for more than 50 years and is also a landless person.
3. Mr. S.S. Mohapatra, learned Additional Standing Counsel opposes the prayer made in the writ application by submitting that the impugned order is appealable, but the Petitioner did not choose to file any appeal within the prescribed period of limitation.
4. It is submitted by Mr. B.N. Mohapatra, learned counsel for the Petitioner that because of his poverty and ignorance, the Petitioner was unable to seek appropriate legal remedy at the relevant time.

5. Considering the submissions are above as also the fact that the impugned order is appealable under Section 12 of the Orissa Prevention of Land Encroachment Act, the writ petition is disposed of granting liberty to the Petitioner to prefer an appeal before the Appellate Authority along with an application seeking condonation of delay, which shall be considered and disposed of in accordance with law.
6. It is also open to the Petitioner to move the Appellate Authority for stay of execution of the impugned order pending disposal of the appeal, which shall also be considered in accordance with law. The appeal shall be preferred within a period of three weeks from today.
7. As an interim measure, it is directed that status quo be maintained in respect of the disputed case land till the applications for condonation of delay and stay are taken up for consideration by the Appellate Authority.
8. Urgent certified copy of this order be issued as per rules.

(Sashikanta Mishra, J)
Vacation Judge

S. Behera