

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14441 of 2022

Jugal Kishore Das

...

Petitioner

Mr. Niranjana Lenka, Advocate

-Versus -

State of Odisha and others

....

Opposite Parties

*Mr. S. Mishra,
Additional Government Advocate*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

13.06.2022

W.P.(C) No. 14441 of 2022

&

I.A. No. 7653 of 2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. The petitioner is aggrieved by the issuance of notice of eviction under Form-(Kha) by the Tahasildar, Daspalla enclosed as Annexure-8 to the writ petition. This is an appealable order under Section 12 of the Orissa Prevention of Land Encroachment (OPLE) Act.
3. It is submitted that the prescribed period is 30 days for filing of appeal, however, because of ignorance as also lack of sufficient means, the Petitioner had not filed any appeal. Considering the submissions and the facts of the case and without expressing any opinion on the merits of the contentions raised, the writ petition is disposed of granting liberty to the Petitioner to prefer an appeal before the appropriate authority within a period of three weeks from today along with appropriate application seeking condonation of delay, which shall be dealt with in

accordance with law. It shall also be open to the Petitioner to move an application seeking stay of eviction pursuant to the impugned order which shall be considered by the Appellate Authority in accordance with law.

4. In the mean time, no coercive action shall be taken against the Petitioner pursuant to Annexure-8 till consideration of the petition for condonation of delay and stay.
5. Urgent certified copy of this order be issued as per rules.

(Sashikanta Mishra, J)
Vacation Judge

S. Behera

