

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.14627 OF 2022

Ramakanta Nayak

....

Petitioner

Mr.S.N.Mishra, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

Order
No.

ORDER
27.6.2022

2. 1. Heard learned counsel for the Parties.
2. In reference to the notice at Annexure-2 and 3 taking this Court to the development in Civil Proceeding at Annexure-1 giving a declaration involving the Petitioner, learned counsel for the Petitioner contends, once there is a Civil Court decree involving the very same land, there is no question of initiation of encroachment proceeding under the OPLE Act.
3. Mr.Sahoo, learned Additional Standing Counsel for the O.Ps., however, reading through the schedule of land and the disclosures in the OPLE notice objects the entertainment of the Writ Petition on the premises that in the event the Petitioner has a decree involving the land involving the encroachment proceeding, nothing prevents the Petitioner to file his objection for consideration of the Tahasildar.
4. Considering the rival contentions of the Parties and on perusal of the notice at Annexure-2, this Court finds, the encroachment proceeding appears to be pending and in the event any such proceeding is pending, nothing prevented the Petitioner to bring

to the notice of the Tahasildar of the Civil Court decree development, if any, for his consideration.

5. Keeping in view the above, this Court disposes of the Writ Petition observing, in the event the proceeding, vide Annexure-2 is still pending, the Petitioner has to approach the Tahasildar, Chandbali with his objection also involving the Civil Court decree in C.S. No.271/2009-I at least by filing such affidavit within a period of two weeks hence. In such event, the Encroachment Case No.3115 of 2022 shall be disposed of taking into account the objection of the Petitioner.

M.K.Rout

