

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14678 of 2022

*Dharanidhar Sethi*

....

*Petitioner*

*Mr. B.K. Behera, Advocate*

*-Versus -*

*State of Odisha and others*

....

*Opposite Parties*

*Mr. G.R. Mohapatra,  
Additional Standing Counsel*

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**13.06.2022**

**W.P.(C) No. 14678 of 2022**

**&**

**I.A. No. 7790 of 2022**

**Order No.**

**1.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is aggrieved by the issuance of notice of eviction under Form (Kha) by the Tahasildar, Bhadrak enclosed as Annexure-3 to the writ petition. This is an appealable order under Section 12 of the Orissa Prevention of Land Encroachment (OPLE) Act.
4. It is submitted that the prescribed period is 30 days for filing of appeal, however, because of pendency of this writ petition, the petitioner had not filed any appeal.
5. 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 considered in accordance with law as also having regard to the fact of pendency of the present writ petition. 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.

6. No coercive action shall be taken against the Petitioner pursuant to Annexure-3 till a decision is taken on the aforementioned petition for limitation and stay.
7. Urgent certified copy of this order be issued as per rules.

**(Sashikanta Mishra, J.)**  
***Vacation Judge***

B.C. Tudu