IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 14751 of 2022

Jamunamani Dey **....** **Petitioner**

Mr. G. Ch. Mohapatra, Advocate

- Versus -

State of Odisha and Others **....** **Opposite Parties**

Mr. D.K. Mohanty, ASC

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
17.06.2022

Order No. 1.

1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. The petitioner has approached this Court seeking the following relief:-

> *" Under the facts and circumstances stated above, it is therefore humbly and respectfully prayed that the Hon'ble Court may graciously be pleased to issue rule NISI calling upon the Opposite Parties to show cause as to why the writ/writs in the nature of certiorari or any other writ shall not be issued quashing the notices under Annexure-1 Series;*
>
> *And if the opposite parties failed to show cause or show insufficient cause, the Rule may be made absolute by quashing the notice under Annexure-1 series."*

4. As it appears being aggrieved by order dated 12.01.2022 passed by the Tahasildar, Baliapal in L.E. Case No.644 of 2021, the petitioner has preferred an appeal bearing L.E. Appeal No.96 of 2022 before the Sub-Collector, Balasore. The said appeal has been registered, notice has been issued and LCR has been called for.

5. It is submitted by learned counsel for the petitioner that despite pendency of the appeal the Tahasildar is threatening to evict the petitioner from the land in question. Since the statute provides remedy of stay of eviction during pendency of appeal as per Section 12(4) of the OPLE, Act, this Court does not deem it proper to interfere in the matter. The Writ Petition is disposed of granting liberty to the petitioner to file appropriate application before the Sub-Collector in the pending appeal within 10 days from the date of production of copy of this order, which shall be considered by the Appellate Authority in accordance with law. Till such time the petitioner shall not be evicted from the suit land.

6. Issue urgent certified copy as per rules.

(Sashikanta Mishra, J)
Vacation Judge

B. Swain