

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14824 of 2022

Rekha Rani Mohapatra

....

Petitioner

Mr. A.K.Biswal, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. S.Nayak, A.S.C.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

17.6.2022.

Order No.

01.

1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.

3. The Petitioner's case is that a proceeding under Section 4 (1) of the OPP (EUO) Act, 1972 was issued against the Petitioner in response to which she submitted her reply. However, her reply was not accepted and by the impugned notice issued on 27th May, 2022, copy of which is enclosed as Annexure-5 to the Writ Petition, the Tahasildar-cum-Estate Officer, Baripada (Opposite Party No.3) has directed the Petitioner to vacate the

land in question within fifteen days, failing which coercive action shall be taken against her. As it appears, this is an appealable order as per Section 9 of the Act. It is submitted by the learned counsel for the Petitioner that the appeal is required to be filed within twelve days, yet the Petitioner could not do so because of her personal illness and other domestic problems. It is further submitted that the appellate authority is also empowered to condone the delay on sufficient cause being shown.

4. Considering the above facts, the Writ Petition is disposed of granting liberty to the Petitioner to prefer an appeal along with a petition for condonation of delay within a period of ten days from the date of receipt of copy of this order. If such an appeal is filed along with the petition for delay, the same shall be considered in accordance with law within a period of two weeks. Till such time, no coercive action shall be taken against the Petitioner.

5. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Vacation Judge

