

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15155 of 2022

Sekh Bachan

....

Petitioner(s)

Mr.A.Pattanaik, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.S.Mishra, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
21.06.2022**

Order No.

1.

1. Heard learned counsel appearing for the parties.
2. Serious allegation is made that even in spite of pendency of appeal and calling for a report by the appellate authority from the Tahasildar, Begunia vide Annexure-9, the Tahasildar has the audacity to issue notice at page-35 of the brief requisitioning police for enforcing eviction drive. From the pleading, it clearly appears that there is pendency of appeal. Further, Annexure-9 also discloses report is being called for by the Sub-Collector, Khordha. Learned counsel for the petitioner submits that the Tahasildar is yet to submit the report. In disposal of the writ petition, this Court observes unless the appeal is disposed of, there cannot be eviction of the persons involved. In the process, this Court interferes in the order dated 17.06.2022 at page-37 of the brief and sets aside the same. This Court further directs in the event the appeal involving Encroachment Case No.41 of 2020 is still pending, same should be disposed of at least within a period of eight weeks from the date of communication of certified copy of this order after ensuring submission of report by the Tahasildar.

3. A free copy of this order be handed over to the learned State Counsel for doing the needful.

(Biswanath Rath)
Judge

Sks

