

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16430 of 2022

Niranjan Baidya

....

Petitioner(s)

Ms. P.P. Mohanty,
Advocate

-versus-

Tahasildar, Malkangiri

....

Opposite Parties

Mr. U.K. Sahoo,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
25.07.2022**

Order No.

02. 1. On perusal of the instruction memo involving a set of documents produced in Court today by the learned State Counsel, it appears, the case was finally heard on 2.06.2022. On which date there has been not only showing of opportunity to the Petitioner and the adversary, but there has also been passing of a detailed order on the same date itself. It also appears, the Petitioner has also deposited the assessed amount.
2. Through Annexure-3 filed in the writ petition it is claimed that only a notice under Form-Kha to vacate the disputed land in question within thirty days from the date of receipt of such notice, has been issued to the Petitioner. This Court, therefore, finds, the allegation of the Petitioner is unfounded one. In the event the Petitioner has still any grievance, it is open to the Petitioner to avail statutory remedy of appeal agitating all the grounds raised herein for

consideration of the appellate authority. Since the order is passed on 2.06.2022 and the Petitioner is bonafidely moving this writ petition, this Court permits the Petitioner to withdraw this writ petition with liberty to file an appeal along with an application for condonation of delay, if any and also with an application for interim protection before the appellate authority within a period of two weeks hence.

3. It is further directed that in the event the Petitioner files appeal along with an application for condonation of delay, if any and also with an application for interim protection within the aforesaid period, the delay shall be condoned and the appeal shall be heard on its own merit and the interim application to be filed by the Petitioner within the time stipulated hereinabove, shall be decided within a period of four weeks thereafter.

4. It is further directed that in the event the Petitioner has not been evicted from the disputed property in question as yet and is still in possession of the disputed property in question, he shall not be evicted from the said disputed property for a period of six weeks.

5. Let a copy of the final order dated 2.06.2022 be served on the Petitioner. Learned State Counsel is also directed to provide a copy of the documents filed in Court today to the Petitioner and on the basis of which the Petitioner may file appeal.

6. The writ petition stands disposed of with the above direction.

(Biswanath Rath)
Judge