

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.16917 OF 2022

Asish Kumar Ratha

.... ***Petitioner(s)***
Mr.A.K.Biswal,
Advocate

-versus-

State of Odisha and others

.... ***Opposite Party(s)***
Mr. S.Mishra,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
11.07.2022

Order No.

01.

1. Heard learned counsel for the Parties.
2. Considering the allegation of the Petitioner that in spite of filing of statutory appeal under the provision of OPLE Act involves a challenge to the order of the original authority vide Annexure-4 and the appeal being registered, the appellate authority is not undertaking the exercise to pass interim order and in the meantime there has been notice vide Annexure-5 by the original authority for vacation of the disputed land involved therein.
3. Considering that the Petitioner has a statutory remedy of appeal and appeal since registered, it becomes the duty of the appellate authority to take a decision of the interim application accompanied the appeal and it is for the inaction of the appellate authority, it appears, the interim application of the Petitioner is kept pending giving rise an opportunity to the Tahasildar to initiate eviction proceeding in the meantime again.

4. Considering the genuine grievances of the Petitioner, this Court while directing the appellate authority to take decision on the interim application at page-16 of the brief pending with the Sub-Collector, Katipada, Udala-Opposite Party No.2 as appropriate at least within a period of two weeks of copy of service of this order. Till a decision is taken by the appellate authority on the I.A. pending, there shall be no coercive action against the Petitioner pursuant to Annexure-5 involving Plot No.256, Khata No.60, Ac. 0.02 dec. at Mouza-Kirikichia.

(Biswanath Rath)
Judge

Swarna

