

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.17304 OF 2022

Echha Das

....

Petitioner(s)
Mr.N.Lenka,
Advocate

-versus-

State of Odisha and another

....

Opposite Party(s)
Mr.U.K.Sahoo,
AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
15.07.2022

Order No.

01.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves a direction against the Executive Officer, Kendrapara Municipality involving the alleged action of eviction from the disputed land. Taking this Court through the document appended, learned counsel for the Petitioner attempted to establish that involving the wrong disclosure of land particulars, Petitioner has filed Petition under Section 15(b) of OSS Act which is pending vide RP Case No.58 of 2020 before the competent authority.
3. It is for the pendency of such proceeding Mr.Lenka, learned counsel for the Petitioner claims the Municipality Authority should also await at till the outcome in RP Case No. 58 of 2020.
4. Learned State counsel submits that in the event the Petitioner has a claim for right involving the disputed property pending and brings such application to the competent authority for their consideration.

5. This Court in the entire pleading finds the Petitioner is yet to be evicted. This Court thus observes in the event the Petitioner is yet to be evicted from the disputed land involved herein, it is open to the Petitioner to make detailed representation to the Executive Officer even disclosing the pendency of RP Case No. 58 of 2020 and requesting not to undertake eviction exercise at least till the RP Case No. 58 of 2020 is over.

6. In the event such application is filed within two weeks, the same shall be considered and decision as appropriate shall be taken but involving the Petitioner by completing the entire exercise within a period of one month. In the meantime the Petitioner may approach the Commissioner Consolidation Settlement for early disposal of the RP Case No. 58 of 2020. Status quo in respect of the disputed property as on date shall be maintained till decision is taken by the Municipal Authority on the application of the Petitioner.

7. With this observation the writ petition stands disposed of.

(Biswanath Rath)
Judge

Swarna