

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.17798 OF 2022

Padu Barik

.... ***Petitioner(s)***
Mr.J.K.Panda,
Advocate

-versus-

State of Odisha and others

.... ***Opposite Party(s)***
Mr. S.P.Panda,
AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
19.07.2022

Order No.

01. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves a challenge to the manner of disposal of encroachment case registered vide PR Case No.403 of 2022, learned counsel for the Petitioner though the notice issued for the purpose vide Annexure-1 at page-13 and reading through the same submitted that this notice was issued on 21.06.2022 directing the Petitioner to appear before the Tahasildar, Semiliguda concerned on 02.07.2022 and explanation his case.
3. Referring to final order at Annexure-2, taking into the date of order and the nature of order therein, Mr. Panda, learned counsel for the Petitioners states when the Petitioner was provided opportunity to appear before the competent authority on 02.07.2022 to explain his case, there was no scope for the Tahasildar, Semiliguda to pass final order vide Annexure-2. For filing of the documents and the disclosure

through the same, Mr.Panda, learned Additional Government Advocate has no scope to object the allegation.

4. Considering the rival contentions of the Parties, this Court finds, in the event the proceeding initiated vide Annexure-1 has been finally disposed of vide Annexure-2 on the date of issuing of notice at Annexure-1, the order at Annexure-2 is not sustainable. In the process, this Court in the peculiar circumstance sets aside the order at Annexure-2 and remit the matter back to the Tahasildar, Semiliguda to rehear the matter involving the Petitioner involving the PR Case No.403 of 2022 and dispose of the same at least within a period of one month from the date of communication of order by the Petitioner.

5. The matter is disposed of on contest of the Petitioner. Petitioner is directed to bring to the notice of the Tahasildar, Semiliguda, the order of this Court along with his objection, if any, at least within a period of seven days and take the date of hearing.

6. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge