

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.18104 of 2022

Narendra Nayak

....

Petitioner(s)

Mr.C.Nayak, Advocate.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

27.07.2022

Order No.

1.

1. Heard learned counsel appearing for the parties.

2. It appears, the petitioner has approached this Court only in the stage of notice instead of appearing and contesting in the proceeding. Petitioner raises serious objection in initiating such proceeding through the writ petition. For the opinion of this Court even assuming there is any defect in the notice of eviction, nothing prevented the petitioner in agitating his objection before the competent authority for his consideration. Keeping in view that the writ petition became premature. The petitioner since claims that the encroachment proceeding involving Annexure-1 is still pending adjudication, the petitioner shall do well in submitting his objection before the Additional Tahasildar, Nayagarh for his considering the objection of the petitioner provided the proceeding is pending and objection is filed by the petitioner at least within a period of seven days hence involving O.P.L.E. Case No.04-80/2022, PR No.39/4.5.2022, in such event the proceeding shall be disposed of also taking into consideration the objection of the petitioner. At this stage of the matter, learned counsel appearing for the petitioner seeks protection.

For the opinion of the Court, proceeding vide Annexure-1 since claimed to be pending, there is no possibility of eviction.

3. The Writ Petition stands disposed of.

sks

(Biswanath Rath)
Judge

