

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18105 of 2022

Upendra Nayak

....

Petitioner(s)

Mr. C.K. Nayak,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

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

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
28.07.2022**

Order No.

01. 1. It appears, the petitioner has approached this Court only at the stage of notice instead of appearing and contesting in the proceeding. Petitioner raises serious objection in initiating such proceeding through the writ petition.
2. 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 becomes premature and 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 Tahasildar, Nayagarh for his considering the objection of the Petitioner provided the proceeding is pending and objection by the petitioner is filed at least within a period of seven days hence involving O.P.L.E. Case No.04-79/2022, PR No.38/4.5.2022, 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.

(Biswanath Rath)
Judge

Ayaskanta Jena

