

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18808 of 2022

Amiya Ranjan Nayak

.....

Petitioner

Mr. S. Sahoo, Advocate

Vs.

*Collector and D.M. Bhadrak and
others*

.....

Opposite Parties

Mr.A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

22.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Sahoo, learned Counsel for the Petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.
3. The Petitioner has filed this Writ Petition assailing the notice dated 13.06.2022 in Encroachment Case No. 928/2021-22 vide Annexure-4, by which the petitioner has been directed to be evicted saying that he is in unauthorized occupation of the government land.
4. Mr. S. Sahoo, learned Counsel for the Petitioner contended that any order passed by the Tahasildar being appealable one, if the authority has passed any order showing that the petitioner is in unauthorized occupation of the government land, then a copy of the said order ought to have been provided to him, so that against that order, the Petitioner can prefer an appeal and as such, if any difficulties is faced by the Petitioner, he can also be given liberty to apply for the same to the Tahasildar for consideration, but such opportunity was not given to him.
5. Mr. A.K. Mishra, learned Additional Government Advocate contended that against the order under Annexure-4 dated 13.06.2022,

the petitioner has approached this Court directly in the present Writ Petition. If the Petitioner faces any difficulty out of that, he could have made an application before the Tahasildar, instead of approaching this Court in the present Writ Petition. Therefore, the Writ Petition is premature one and cannot sustainable in the eye of law.

6. Having heard learned Counsel for the parties and after going through the record, since the petitioner was found in unauthorized occupation of the government land and against determination of such unauthorized occupation, if any order has been passed by the Tahasildar, a copy of the said order ought to have been supplied to him so that he can prefer any appeal before the appropriate forum as per the provisions contained in the Act itself. Instead of providing such order, since steps were taken under Annexure-4 directing him to vacate the premises, the petitioner has approached this Court in the present Writ Petition. Therefore, if the Petitioner has been issued with the letter under Annexure-4, it is open to him to make an objection to the same by apprising the Tahasildar about the action taken and in case the Tahasildar passes any order adverse to the petitioner, it is also open to the Petitioner to prefer an appeal against such order.

7. With the above observation, the Writ Petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Arun