

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.19042 OF 2022

Dhaneswar Behera & ors.

....

Petitioners

Mr.A.K.Bose, Adv.

-versus-

The State of Orissa & anr.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
29.7.2022**

Order No.

01. 1. Heard learned counsel for the Petitioners and learned State Counsel.
2. The Writ Petition involves an allegation that there is no final order involving Encroachment Case No.16/22-23, and therefore, there is no possibility of Appeal by the Petitioner. This Court finds from Annexure-1 that there is already conclusion of the Proceeding. Use of particular form in the final order involving the Encroachment Case is immaterial and cannot conclude that there is no disposal of main proceeding. In this circumstance, this Court finds, there is final adjudication of the Encroachment Proceeding already leaving the Party to have an option of Appeal. If the Petitioners are so advised may apply for a detailed order involving such Proceeding and file

Appeal within reasonable time. It is made clear that in the event the Petitioners apply for a detailed order through copy application, the detailed order involving such Proceeding shall be provided to the Petitioners within three days of such copy application. If the Petitioners file Appeal taking all such grounds taken herein within two weeks, the same shall be considered and the Appeal will be decided in accordance with law. It is made clear, in the event the Petitioners have not been dispossessed as of now, they may be protected for six weeks, within which period the Interlocutory Application involving the Memorandum of Appeal shall be disposed of.

M.K.Rout

(Biswanath Rath)
Judge