

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 20401 OF 2022

N Rama Rao and others *Petitioners*
Mr. Satyabrata Senapati, Advocate
-versus-
State of Odisha and others *Opp. Parties*
Mr. Swayambhu Mishra,
Additional Standing Counsel

**CORAM:
JUSTICE K.R.MOHAPATRA**

ORDER

16.08.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition seek to assail the notices/orders of eviction dated 27th June, 2022 (Annexure-3 series) issued by the Tahasildar, Simulia-Opposite Party No.4 in L.E. Case Nos. 411, 412, 415, 416, 417, 418, 419, 420, 421, 423, 424 and 425 of 2021.
3. In course of hearing, Mr. Senapati, learned counsel submits that interest of justice will be best served if the Petitioners are given liberty to file appeal against the notices/orders of eviction as at Annexure-3 series. Further, he prays for a direction to protect their possession over the land in question till disposal of such appeal.
4. Mr. Mishra, learned Additional Standing Counsel submits that the Petitioners have remedy of appeal under the provisions of Orissa Prevention of Land Encroachment Act, 1972 (for short, 'OPLE Act'). As such, the writ petition is not maintainable.

5. Taking into consideration the submissions of learned counsel for the parties, this Court without expressing any opinion on the merit of the case of Petitioners disposes of this writ petition with an observation that in the event the Petitioners file an appeal under Section 12(1) of the OPLE Act, 1972 within a period of four weeks hence, the same shall be considered in accordance with law giving opportunity of hearing to the parties concerned. In order to enable the Petitioners to move the appellate authority for condonation of delay in filing the appeal, if any and for interim protection, the notices/orders of eviction issued under Annexure-3 series passed in L.E. Case Nos. 411, 412, 415, 416, 417, 418, 419, 420, 421, 423, 424 and 425 of 2021 shall be kept in abeyance for a period of six weeks, if the same have not yet been given effect to.

6. Learned counsel for the Petitioners undertakes to serve a copy of the writ petition along with certified copy of this order on learned State Counsel for communication.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks