

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20508 of 2022

Ranjubala Sahu

.....

Petitioner

Mr. G.K. Routray, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. D. Nayak, 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. G.K. Routray, learned Counsel for the Petitioner and Mr. D. Nayak, learned Additional Government Advocate for the State.

3. The Petitioner has approached this Court alleging that the Opposite Parties are trying to evict her from her peaceful possession over Khata No. 1737, Plot No. 4821 measuring an area of Ac.0.0890 decimal corresponding to Sabik Plot No. 124, Sabik Khata No. 325 measuring an area Ac.0.890 dec. situated in Mouza-Humma of Tahasil-Rambha (at present Tahasil-Ganjam) and also to take necessary step to inquire into the matter.

4. Mr. G.K. Routray, learned Counsel for the Petitioner contended that the Petitioner had earlier approached this Court by filing W.P.(C) No. 10112 of 2022, which was disposed of on 13.05.2022 with the observation that the Petitioner deserves to be protected for the pendency of the appeal as well as the application for interim protection at least till the application for interim protection is considered and disposed of. Thereafter, without giving any opportunity of hearing to the Petitioner, the Sub-Collector

disposed of the matter. Consequentially the Petitioner approached this Court in W.P.(C) No. 16249 of 2022. The said Writ Petition was disposed of vide order dated 08.07.2022 by directing the Petitioner to file an application, as desired, at least within a period of one week hence and the appellate authority shall do well in considering such application involving its order dated 07.06.2022 and pass appropriate order at least within a period of three weeks thereafter. In compliance to the said order, the Petitioner approached the appellate authority by filing an application for recalling the order. But the said matter is pending consideration and due to illness of the appellate authority the matter could not have been taken up. However taking advantage of the same, the Tahasildar has issued notice for eviction of the Petitioner. Therefore, the petitioner is put to difficulty and as such, approached this Court in the present Writ Petition.

5. Mr. D. Nayak, learned Additional Government Advocate contended that since the Petitioner has been issued with a notice of eviction, he has a right to make an objection and in case such objection Petition is filed, the Tahasildar will consider the same in accordance with law and pass appropriate order. Thereafter also, if the Petitioner is aggrieved by such order of the Tahasildar, he has the remedy to challenge the same in appeal. With regard to pendency of the appeal as alleged by the Petitioner, it is open to the Petitioner to approach the higher authority indicating therein that due to illness of the appellate authority, her application is not being disposed of and in that event the higher authority will consider the same in accordance with law.

6. Having heard learned Counsel for the parties and after going through the record, since against the threatening for eviction the

Petitioner has approached this Court in the Present Writ Petition, the Writ Petition is pre-mature one. If the Petitioner has been issued with the notice of eviction, it is open to her to give her objection and in such event, the authority shall consider the same in accordance with law after giving her opportunity of hearing. But fact remains, in compliance to the order passed by this Court as indicated above, if the application is pending before the Sub-Collector because of the illness of the said authority, it is open to the Petitioner to bring to the notice of the Collector for taking up further necessary action.

7. Be that as it may, since the Present Writ Petition is premature one, the same is not maintainable. However, it is open to the Petitioner to pursue his remedy before the appropriate forum, as per the observation made above.

8. The Writ Petition is accordingly disposed of.

(DR. B.R. SARANGI)
JUDGE

Arun