

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.20775 OF 2022

Snehasish Panda

.....

Petitioner

Mr. Deepak Kumar Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. A.R. Dash,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

17.08.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the notice/order of eviction issued by the Tahasildar, Simulia-Opposite Party No.5 under Annexure-1.
3. Mr. Mohapatra, learned counsel for the Petitioner submits that assailing the order passed by the appellate authority under the Odisha Prevention of Land Encroachment Act, 1972 (for short 'the Act'), the Petitioner has filed a revision case in OPLE Revision No.1 of 2022, which is pending for consideration. Along with the revision petition, the Petitioner has also filed an application under Section 12(4) of the Act for stay of the order of eviction. When the said application is pending for consideration, notice under Annexure-1 has been issued by the Tahasildar, Simulia. Hence, the Petitioner finding no other alternative has filed this writ petition for the aforesaid relief.

4. Mr. Dash, learned Additional Government submits that pendency of the revision cannot operate as stay of order of eviction, which has been confirmed by the appellate authority. The Petitioner has also been provided with an opportunity in the said notice under Annexure-1, to produce the order passed in his favour before the Tahasildar, Simulia to protect his possession over the land in question. If any interim order is in operation in favour of the Petitioner, he can produce the same and protect his possession over the land in question.

5. Taking into consideration the rival contentions of the parties more particularly the submission of learned counsel for the Petitioner to the effect that an application under Section 12(4) of the Act is still pending for consideration before the revisional authority, i.e. the Collector, Balasore-Opposite Party No.3, this writ petition is disposed of with a direction that on production of certified copy of this order, the Collector, Balasore-Opposite Party No.3 shall do well to consider the interim application of the Petitioner stated to be pending under Section 12(4) of the Act as expeditiously as possible preferably within a period of seven days therefrom.

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

(K.R. Mohapatra)
Judge

bks