

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22222 of 2022

Raghunath Patra

.....

Petitioner

Mr. A. Pattanaik, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

30.08.2022

Order No.

02

This matter is taken up through hybrid mode.

2. Heard Mr. A. Pattanaik, 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 seeking to quash the notice dated 19.07.2022 under Annexure-5 series issued by the Tahasildar, Khaira in respect of Plot No. 177 in connection with L.E. Case No. 273 and 242.

4. Learned Counsel for the Petitioner contended that against such notice the Petitioner has already filed an appeal before the Collector, Balasore under Annexure-6 praying him not to evict the petitioner from the land in question. However since no action was taken by the said authority, he has filed the present writ petition.

5. Mr. A.K. Mishra, learned Additional Government Advocate contended that the Collector is not the competent authority to pass the order on the representation filed by the petitioner. Against notice of eviction issued by the Tahasildar, it is the Tahasildar to take into consideration, if any objection is raised by the Petitioner. Thereafter

the order if any passed by the Tahasildar, the same is also appealable one. Instead of doing so, the petitioner has approached this Court in the present writ petition.

6. Having heard learned counsel for the parties and after going through the record, since the Petitioner has approached this Court challenging the notice of eviction, this Court is not inclined to entertain the writ petition. However the petitioner is at liberty to file the objection before the appropriate authority if he is so advised and if any adverse order is passed, he is at liberty to approach the appellate authority in accordance with OPLE Act and the Rules made there under.

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

Arun

(DR. B.R. SARANGI, J.)

