

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22279 of 2022

Jogendranath Behura

.....

Petitioner

Mr. S. Mishra-1, Advocate

Vs.

*The Collector, Cuttack and
another*

.....

Opposite Parties

Mr. A.K. Mishra, AGA.

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

14.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Mishra-1, 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 direction to the opposite parties, more particularly opposite party No.2 not to proceed ahead with Encroachment Case Nos. 114 and 116 of 2022-23 till disposal of the Revision Case pending subjudice before the learned Consolidation Revisional Court involving the bona fide claim of the petitioner for correction impugned map.

4. Mr. S. Mishra-1, learned counsel for the petitioner contended that the encroachment cases were initiated against the petitioner bearing Encroachment Case Nos. 114 and 116 of 2022-23. He further contended that the lands in question belong to the petitioner, but since there is wrong description of lands, thereby such steps have been taken by the authority and the eviction order has been passed. Therefore he has approached this Court in the present writ

petition.

5. Mr. A.K. Mishra, learned Additional Government Advocate for the state contended that the copy of the eviction order has not been placed on record and as such if such order has already been passed, that itself is appealable one and the petitioner instead of preferring an appeal has approached this Court by the present writ petition, which is not sustainable in the eye of law.

6. Having heard learned counsel for the parties and after going through the records, Mr. S. Mishra, learned counsel for the petitioner very fairly stated before this Court that through eviction proceeding has been initiated against the petitioner and as such eviction order has already been passed, but they have not enclosed such order in the present writ petition. It is also contended that the petitioner wants to prefer an appeal against the order passed by the authority as per law by bringing to the notice of the said authority with regard to the factual matrix, which has been placed on record here, to which Mr. A.K. Mishra, learned Additional Government Advocate has no objection.

7. Accordingly the writ petition stands disposed of permitting the petitioner to prefer an appeal in accordance with law.

(DR. B.R. SARANGI)
JUDGE

Arun