

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 23093 of 2022

Sukanta Bhoi

.....

Petitioner

Mr. A. Swain, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

10.10.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard.

3. Against the notice issued by the Tahasildar, Kishannagar dated 29.07.2022 and 23.08.2022 under Annexures-5 and 6, the petitioner has approached this Court in the present writ petition.

4. Mr. Swain, learned counsel for the petitioner contended that since the petitioner is in possession of the land in question for more than 30 years, the said land should have been settled in his favour, since he has got the accrued right by way of adverse possession. Therefore, the notice of eviction cannot sustain in the eye of law.

5. Mr. A.K. Mishra, learned Additional Government Advocate contended that since orders/notices under Annexures-5 and 6 are appealable one, instead of preferring the appeal, the petitioner has approached this Court in the present writ petition, therefore, the writ petition is premature one.

6. Having heard learned counsel for the parties and after going through the record, since the orders/notices impugned are appealable one, this Court disposes of the writ petition permitting the petitioner to pursue his remedy before the appropriate forum, if he is so advised.