

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 23566 of 2022

Dhaneswar Sahoo and others

Petitioners
Mr. G.S. Muduli, Advocate

Vs.

State of Odisha and others

Opposite Parties
Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

13.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. G.S. Muduli, learned Counsel for the Petitioners and Mr. A.K. Mishra, learned Additional Government Advocate for the State.
3. The Petitioners have filed this Writ Petition challenging the order passed in five different appeal cases passed by the Sub Collector arising out of five different encroachment cases.
4. Mr. A.K. Mishra, learned Additional Government Advocate for the State contended that these orders are revisable under Section 12 (2) of the OPLE Act, 1972 and, therefore the petitioners cannot and could not have approached this Court. It is further contended that orders passed in five appeals in Annexure-3 series which have been passed under Section 12 (1) of the Act, arising out of five encroachment cases have been challenged in a single writ petition and, therefore, the single writ application filed by the petitioners cannot be maintainable.
5. Having heard learned counsel for the parties and after going

through the records, since the orders itself are revisable, this Court is not inclined to entertain this writ application as there is availability of alternative remedy in the statute. As such five petitioners have faced five different encroachment cases and they have filed one writ petition by filing orders in five appeals, which is also not permissible. As such, this Court is not inclined to entertain such writ petition. However, liberty is granted to the petitioners to pursue their remedy in accordance with the provisions contained in Section 12 (2) of the OPLE Act in the appropriate forum, if they are so advised.

6. On the oral prayer made by learned Counsel for the petitioners, office is directed to allow him to take back the certified copy of the impugned orders annexed to the writ petition after filing the duly authenticated photo copies thereof.

7. The writ petition is accordingly disposed of.

(DR. B.R. SARANGI)
JUDGE

Arun