

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 24392 of 2022

*Gokina Datatraya Choudhury @
G.D. Choudhury*

Petitioner

Mr. B.P. Das, Advocate

State of Odisha and others
Vs.

Opposite Parties

Mr. S.S. Kanungo, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

20.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. B.P. Das, learned counsel for the Petitioner and Mr. S.S. Kanungo, learned Additional Government Advocate for the State.

3. The Petitioner has filed this writ petition seeking to quash the eviction notice dated 07.09.2022 under Annexure-6 and the order dated 06.09.2022 under Annexure-8 passed in OPP Case No. 01 of 2022 and to direct opposite party no.2-Tahasildar-cum-Estate Officer, Rayagada to demarcate the dispute government land pertaining to Khata No. D1-63, Plot No. 358, measuring an area to the extent of Ac 0.046 out of Ac. 0.40 in Mouza-Tumbhiguda under Rayagada Tahasil afresh at the cost of the Petitioner.

4. Mr. B.P. Das, learned counsel for the Petitioner contended that the Petitioner is not in occupation of any government land so as place the eviction, rather the Opposite Parties have confused themselves with regard to plot Nos. 358 and 357/147 as such before taking any action against the petitioner for eviction. But fact remains in order to find out the correctness of the contention, the petitioner wanted for demarcation of the land in his presence as per the revenue map. Earlier also such a demarcation has been undertaken, but nothing has been found out against the petitioner for encroachment of the government land. However on a frivolous consideration now steps have been taken for his eviction.

5. Mr. S.S. Kanungo, learned Additional Government Advocate for the State contended that the notice for eviction is appealable one and instead of preferring the appeal, the petitioner has approached this court in the present writ petition, for which this writ petition is premature one.

6. Having heard learned counsel for the parties and after going through the records, it appears that against notice of eviction, the petitioner has approached this Court in the present writ petition instead of approaching the appellate authority. Even if the petitioner seeks for any demarcation of land in that case, he has also to move the appropriate forum available to him under the statute. Instead of availing the alternative remedy available to him under the statute, the petitioner has straightway approached this court in the present writ petition. Therefore, this court is not inclined to entertain such application. However, liberty is granted to the petitioner to pursue his remedy before the appropriate forum in accordance with law, if he is so advised.

7. With that liberty, the writ petition stands disposed of.

Arun

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

