

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 24440 of 2022

Sudam Sandha

.....

Petitioner

Ms. D. Mohapatra, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

18.10.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Ms. D. Mohapatra, 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 not to evict him from the land in question without following due process of law and to implement the order under Annexures-7 and 8 for settlement of the land.

4. Mr. A.K. Mishra, learned Additional Government Advocate contended that the writ petition is premature one and as such the writ petition is not maintainable which has been filed in apprehension of any action to be taken by authority concerned.

5. Ms. D. Mohapatra, learned counsel for the petitioner contended that since the proceeding has been initiated against the father of the petitioner and the same has been concluded, even though the petitioner is in occupation of the land in question, there is every apprehension that he will be evicted.

6. Having heard learned counsel for the parties and after going through

the record, this court is of the opinion that if the proceeding has been initiated against the person who is not in actual possession of the land, in that case, the petitioner has a right to approach the appropriate forum ventilating his grievance stating therein that against a wrong person the proceeding has been initiated. Instead of doing so, in an apprehension, the petitioner has approached this Court in the present writ petition. Therefore, the writ petition is a premature one and as such, this Court is not inclined entertain the same. However, liberty is granted to the petitioner to pursue his remedy before the appropriate authority in accordance with law.

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

Arun

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

