

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.32812 OF 2021

Dwarikamohan Mishra & anr.

....

Petitioners

Mr.S.P.Mishra, Sr. Adv.

-versus-

State of Odisha & ors.

....

Opposite Parties

Mr.R.P.Mohapatra, AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

7.1.2022

Order No.

07. 1. Heard Mr.S.P.Mishra, learned senior counsel assisted by Mr.S.Mishra, learned counsel for the Petitioners and Mr.R.P.Mohapatra, learned Additional Government Advocate for the State.
2. This Writ Petition involves issuing notice in exercise of power under the provision of the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972, in short, “the OPP Act”. This Petition also involves a ground on the maintainability of the proceeding under the OPP Act.
3. Mr.S.P.Mishra, learned senior counsel appearing for the Petitioners while challenging the initiation of the proceeding under the premises of already involvement of a OPLE proceeding and

adjudicated up to the Appeal level, R.P.Mohapatra, learned Additional Government Advocate attempted to justify the initiation of such proceeding even in the OPLE Proceeding.

4. This Court involving the very same disputed land earlier hour today itself taking decision in W.P.(C) No.8497 of 2016 has come to observe that for the statutory Revisional scope available to the Petitioners, the Writ Petition is not entertainable at this stage and has permitted the Petitioners to agitate all the grounds indicated therein by way of a Revision to the Competent Authority to be preferred within two weeks. Keeping in view the liberty granted to the Petitioners with the observation for such grounds raised herein can be agitated and adjudicated in the Revision process, this Court keeping the issue open on the entertainability of the OPP Case No.31/2021 directs that the OPP Case shall remain suspended till finality of the OPLE Proceeding. The grounds raised herein shall also be kept reserved to be adjudicated and agitated at appropriate stage, if necessary.

5. With this observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout