

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.34002 OF 2021

Bholanath Nayak

....

Petitioner

Mr.S.Roy, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.R.P.Mohapatra, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
8.2.2022**

Order No.

02.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves a direction to carry out the eviction proceeding against O.Ps.4 & 5 alleged to have encroached Government land unauthorisedly.
3. A request is made by the learned counsel for the Petitioner for directing the Tahasildar, Gop, O.P.3 to consider his such request pending, vide Annexure-7.
4. In his opposition, Mr.Mohapatra, learned Additional Government Advocate for the State attempted to draw the attention of this Court to the final order of this Court dated 3.1.2022 passed in

W.P.(C) No.11059 of 2020 where it appears, this Court in disposal of the said Writ Petition remanding the proceeding to the Tahasildar concerned has already given direction for disposal of the encroachment proceeding involved therein in participation of the Petitioner.

5. Keeping the order of remand involving the selfsame cause of action in view, this Court in disposal of the Writ Petition at hand observes, in compliance of the direction of this Court dated 3.1.2022 passed in W.P.(C) No.11059 of 2020, the application of the Petitioner, vide Annexure-7 may also be taken into consideration and if necessary, the Petitioner may be provided with opportunity of contesting the proceeding. The Writ Petitioner is directed to appear before the Tahasildar, Gop along with a copy of this order within seven days hence.

(Biswanath Rath)
Judge

M.K.Rout