

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30304 of 2022

Daitary Prasad Roul

.....

Petitioner

Mr. P. Dash, Advocate

Vs.

The Sub Collector, Kendrapara

.....

Opposite parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

02.12.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. P. Dash, 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 challenging the order dated 13.09.2022 under Annexure-4 passed in Encroachment Appeal No. 05/22 by allowing the appeal preferred by the opposite party no.3 and setting aside the order passed by the Tahasildar, Kanika in Encroachment Case No. 947 of 2017.
4. Mr. Dash, learned counsel for the petitioner contended that the petitioner though raised objection, the same was not taken into consideration, nor the petitioner was given opportunity of hearing, but the appeal was disposed of vide the order impugned.
5. Mr. A.K. Mishra, learned Additional Government Advocate raised preliminary objection with regard to the maintainability of the writ petition and contended the order impugned is revisable one under Section 12 (2) of the OPLE Act. Therefore, without exhausting such remedy, the petitioner has approached this Court. As a consequence thereof, the writ petition is not maintainable.
6. Mr. Dash, learned counsel for the petitioner contended that the

petitioner may be permitted to withdraw the writ petition with liberty to approach the revisional authority against the order impugned, to which Mr. Mishra, learned Additional Government Advocate has no objection.

7. In view of the above, the writ petition stands disposed permitting the petitioner to prefer revision in accordance with law. Needless to say that the certified copy of the order dated 13.09.2022 be returned to learned counsel for the petitioner after obtaining authenticated photocopy thereof, for enabling the petitioner to prefer revision as early as possible.

Arun

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

