

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WA No. 803 of 2020**

**Buli Pradhan**

....

***Appellant***

Mr. M.K.Mohanty, Advocate

*-versus-*

**State of Odisha and another**

....

***Respondents***

Mr. L. Samantaray, AGA for Respondents 1 to 3

Mr. D. Tripathy, Advocate for Respondent No. 4

**CORAM:**

**JUSTICE JASWANT SINGH**

**JUSTICE M.S.SAHOO**

**ORDER**

**Order No.**

**24.11.2022**

*Hybrid Mode*

- 08.** 1. The appellant claims that her husband had constructed a pucca house under Indira Awas Yojana in the month of May, 2000 over plot no. 478 under Khata No. 361 of mouza Mahinsasur, Tahsil-Rajnagar, Dist.Kendrapara owned by the Government. She further alleges that her husband being a landless and homeless person was in possession of the said land having constructed a thatched hut since the year 1971.
2. It is further alleged that one Smt. Kunjalata Rout (O.P. No.4) filed W.P.(C) No. 20480 of 2020 before this Court with false allegation that the appellant being an encroacher of Government land is liable to be evicted although failed to implead her as a party. The said writ petition was disposed of vide order dated 31.08.2020 by the learned Single Judge by directing the Tahsildar, Rajnagar to look into the grievance raised by Kunjalata Rout and take appropriate action by following provision of Odisha Prevention of Land Encroachment Act, 1972.
3. The present petition has been filed aggrieved by the direction of the learned Single Judge dated 31.08.2020 without

impleading appellant as a party and thus is behind her back to her prejudice.

**4.** Upon notice, Mr. Samantaray, learned AGA has appeared for official respondent whereas Mr. Debasis Tripathy, learned counsel has appeared for Kunjalata Tripathy (Respondent No.4).

**5.** At the time of hearing, it is agreed that the pleas raised or to be raised by the appellant for settlement of the said land in her unauthorized possession can be raised before the learned Tasildar, Rajnagar (Respondent No.3) in the proceeding under OPLE Act specially in view of section 7 sub-section (2) of the Act. It also cannot be disputed that upon receipt of such plea, same shall be liable to be decided in accordance in law.

**6.** In view of the aforesaid agreed stand, present appeal is dismissed as infructuous with the permission to the appellant to raise all her available claims, pleas and evidence if any, before the competent authority in the proceeding under the OPLE Act, to be decided in accordance with law.

**(Jaswant Singh)  
Judge**

**(M.S. Sahoo)  
Judge**

November 24<sup>th</sup>, 2022  
Cuttack

*dutta*