

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.31738 OF 2022

Anadi Charan Mohanty *Petitioner(s)*
Mr.P.K.Satapathy,Adv.

-versus-

State of Odisha and others *Opposite Party(s)*
Mr.G.N.Rout,ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
25.11.2022

Order No.

02.

1. Heard learned counsel for the Parties.
2. Undisputedly, Petitioner has an Appeal pending involving the rejection order involved herein. It is alleged even though the Petitioner has filed a stay application, the Appellate Authority is not undertaking the considering exercise involving the stay application and it is at the same time, there is attempt for eviction of the Petitioner from the very same land. Considering the position of parties in pendency of Appeal, this Court in disposal of the W.P.(C) No.27400 of 2022 dated 20.10.2022 has already come to observe in absence of provision for stay in the statute unless, until amendment is brought by the competent authority making arrangements of stay provision for stay the order involving such Appeal should remain stayed at least till consideration of the interim application or final outcome of the Appeal, Petitioner case gets support through such order.

3. In the circumstance in disposal of the Writ Petition, this Court observes, there shall be no eviction of the Petitioner either till disposal of the Miscellaneous application at the instance of the Petitioner pending in Misc. Appeal No.4 of 2022 or till disposal of the Misc. Appeal No.4 of 2022 which ever earlier.

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

(Biswanath Rath)
Judge

Swarna

