

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.40878 of 2021

Gadadhar Sahu

....

Petitioner(s)

Mr.P.K.Satapathy,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.R.P.Mohapatra,
AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
28.02.2022

Order No.

02.

1. There is serious allegation by way of this Writ Petition that even after rejection of Encroachment Case No.446/2015-16 and thereafter appeal being preferred by the Encroacher vide Appeal Case No.5/2016 being dismissed by Sub-Collector again a revision being preferred, registered as Revision Case No.04/2017 also come to be dismissed. Thereafter it is also complain that the petitioner moved the writ petition registered as W.P.(C) No.2349 of 2019 since come to be dismissed on 30.01.2019.

2. It is alleged that for non clearing of such Encroachment not only the villagers but the petitioner himself has also unable to have the road approach to his house. Accordingly request is made to this Court for entertaining the writ application and issuing suitable direction.

3. It is at this stage of the matter, Mr. Mohapatra learned AGA resisting the claim of the petitioner brings to the notice of this Court that as against the order of Single Bench in the writ petition, the encroacher having preferred W.A.No.43 of 2019, the same having entertained by the Division Bench and there is also passing of status quo order in its order dated 06.02.2019.

4. It is keeping this in view this Court observes for the pendency of writ appeal No. 43 of 2019 involving the impugned order involving the proceeding indicated herein,
no such direction can be given at this stage. Consequently the Writ Petition stands dismissed. If the petitioner is so advised, if not made party in Writ Appeal No.43 of 2019 may apply with appropriate remedy.

(Biswanath Rath)
Judge

Sks

