

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.41187 OF 2021

Tapan Gayan & ors.

.... Petitioners

Mr.D.P.Pattanaik, Adv.

-versus-

State of Orissa & ors.

.... Opposite Party(s)

Mr.R.P.Mohapatra, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
1.2.2022**

Order No.

01.

1. This matter is taken up through video conference mode.
2. Heard learned counsel for the parties.
3. The Petitioners have come against unauthorised encroachment over a Government land. Entire reading of the Brief and through the documents appended herein, this Court nowhere finds that the Petitioners have made complain for removal of unauthorised encroachment to the Competent Authority, i.e., Tahasildar Ersama as of now. The Brief only contains a complain to the Collector. For the opinion of this Court, the Collector being the Revisional authority under the OPLE Act cannot exercise in the matter of unauthorised encroachment at this stage of the matter.

4. In the circumstance, this Court finds no substance in the Writ Petition, which stands dismissed. However, dismissal of the Writ Petition shall not stand on the way of the Petitioner to make an approach to the Tahasildar concerned.

5. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout of the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

M.K.Rout