

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.41328 of 2021

Saraswati Mohapatra & Ors. ***Petitioner(s)***
Mr. B.P. Satapathy,
Advocate

-versus-

State of Odisha & Ors. ***Opposite Party(s)***
Mr. S. Ghose,
Additional Standing Counsel

CORAM:
JUSTICE BISWANATH RATH
ORDER
05.01.2022

Order No.

4. 1. Since the Petitioners have appeal remedy, this Writ Petition is not maintainable. However, considering the request of Mr. Satapathy, learned counsel for the Petitioners, this Court permits the Petitioners to withdraw this Writ Petition with liberty to file appeal alongwith an application for interim protection before the appellate authority within a period of seven days hence.
2. In the event the Petitioners file appeal indicating therein that they have inadvertently pursued writ remedy alongwith an application for interim protection within the aforesaid period, the delay shall be condoned and the appeal shall be heard on its own merit.
3. Considering that the demolition drive has already taken place, this Court directs, there shall be no change in the nature of disputed land presently by either of the parties for a period of one

month hence, within which period, the interim application to be filed by the Petitioners, shall be considered and disposed of.

4. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

Ayaskanta Jena

