IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.34875 of 2025

Prahallad Mohanty **.....** ***Petitioner(s)***

Mr. Bibhu Prasad Panda,
Advocate

-versus-

State of Odisha & Ors. ***Opposite Parties***

Mr. Rajdeep Pradhan,
ASC

CORAM:

THE HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

05.12.2025

Order No.

01. **1.** This matter is taken up through hybrid arrangement.

2. Heard.

3. In filing this Writ Petition, the Petitioner being encroacher, has challenged the order of eviction notice under Annexure-3 issued by the Opposite Party No.4/ Tahasildar, Kujang.

4. During the course of hearing, learned counsel for the State submits that there is a clear statutory remedy of appeal available under Section 12(1) of the O.P.L.E. Act against the impugned order under Annexure-3. Hence, the Petitioner should approach the concerned Appellate Authority.

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5. In such view of the matter, this Court is not inclined to entertain the prayer made in this Writ Petition. However, considering the request of the learned counsel for the Petitioner, this Court permits the Petitioner to file an appeal along with a petition for condonation of delay, if any, so also a petition for interim protection before the concerned Appellate Authority as per Section 12(1) of the O.P.L.E. Act, within a period of 15 working days hence. In such event, Appellate Authority shall conclude the hearing within a period of three months from the date of filing of the appeal.

6. It is further directed that till the interim application to be filed by the Petitioner is taken up, no coercive action shall be taken against the Petitioner pursuant to the impugned order under Annexure-3, issued by the Opposite Party No.4/ Tahasildar, Kujang.

7. This Writ Petition is, accordingly, disposed of.

(Dr. Sanjeeb K. Panigrahi)
Judge

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