

Civil Writ Jurisdiction Case No.9404 of 2015

Versus

- Respondent/s

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

6 19-02-2026 The Letters Patent Appeal has been filed by the
appellant Niranjan Malakar, challenging the interim order dated



15.04.2025 passed by the learned Single Judge in C.W.J.C. No. 9404 of 2015.

2. From the said order, it appears that the case was adjourned to 29.04.2025. When we made a query to the learned counsel for the appellant as to what happened on 29.04.2025, whether the case is *sub judice* or not, this Court is apprised that the matter is still *sub judice*.

3. On perusal of the High Court website, it also appears that vide order dated 30.04.2025 the matter was directed to be listed after disposal of L.P.A., which is pending before this Division Bench.

4. It appears that one encroachment proceeding has been initiated in the year 2015 vide Encroachment Case No. 01 of 2015 by the Circle Officer, Hulasganj.

5. Since in the encroachment proceeding, specific notice was issued to the respondent nos. 9 to 13 directing them to remove the encroachment by 19.04.2025 and that was not acted upon, the writ petitioner, who is now the respondent no. 1, filed the writ petition with a prayer for issuance of a direction to the State to remove the encroachment made by the respondent nos. 9 to 13.

6. The learned Single Judge after hearing the parties,



has passed the interim order directing the State to ensure that the encroachment made by the private respondent nos. 9 to 13 and others from the land appertaining to Thana No. 692, Khata No. 204, Plot No. 2285, is totally removed and after removing the encroachment, an affidavit shall be filed by the State respondents.

7. The contention raised by the appellant, while challenging the interim order passed by the learned Single Judge, is that the land has been settled by the Circle Officer, Hulasganj in favour of the appellant in Settlement Case No. 6/08-09 and it has been mutated in the respective names. The settled land was also verified and demarcated by the concerned officials and the appellant has been residing there since more than 40 years. It is further stated that by virtue of the impugned order passed by the learned Single Judge, the appellant would come on road and they would become homeless.

8. When this matter was taken up on 19.04.2025, an interim order was passed that no action shall be taken against the appellant and other private respondents pursuant to the impugned order, till next date. The order is still in force.

9. In view of the fact that the writ petition is still *sub judice* and the learned Single Judge has to adjudicate the matter



on its merits, this Court without expressing any opinion on the merits of the case, direct the Registry to place the writ petition i.e. C.W.J.C No. 9404 of 2015 before the learned Single Judge on roster with the request to adjudicate the same at an earliest.

10. Till the disposal of such writ petition, the interim order dated 19.04.2025 passed by this Court in the present L.P.A., shall remain in force and no action shall be taken against the appellant or the other private respondents in the writ petition. Accordingly, the L.P.A is disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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