**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**W.P.(C) No.36550 of 2026**
**CNR No. ODHC010867782026**

***Prasan Kumar Mahapatra*** … ***Petitioner***

*Mr. S.K. Dalai, Advocate*

*-versus-*

***State of Odisha & others*** … ***Opposite Parties***

*Mr. J.K.K Ray, ASC*

**CORAM: JUSTICE G. SATAPATHY**

**ORDER(ORAL): 05.11.2026**

**Order No.** **W.P.(C) No.36550 of 2026 & I.A. No. 21654 of 2026**

**01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. The short grievance of the petitioner is against his proposed eviction from encroachment of road.

3. Heard, Mr. Sukanta Kumar Dalai, learned counsel for the writ petitioner and Mr. J.K.Khandayat Ray, learned ASC and perused the record. It is contended on behalf of the petitioner that the petitioner has never encroached any public road, but he is residing in the land as marfatdar of the Deity and the petitioner, however, wants to challenge the illegal notices/ orders issued against him before Appellate Authority under OPLE Act, 1972 and thereby, the possession of the petitioner may kindly be protected till disposal of the Appeal.

4. After having considered the rival submissions and upon perusal of record together with the

documents placed on record, since the orders/ notices issued against the writ petitioner are appealable in nature, this Court without delving into the matter on merit, disposes of this Writ Petition by granting liberty to the petitioner to file appropriate Appeal in accordance with law against such orders/notices within seven days hence and on such event, the Appellate Authority shall do well to proceed in the Appeal in accordance with law by providing reasonable opportunity to the petitioner. Since, it is contended that the eviction drive is likely to be taken up tomorrow, as an interim measure, no coercive action shall be taken against the petitioner for 15 or till disposal of the interim application, if any, filed by the petitioner by the Appellate Authority whichever is later. **Accordingly, I.A. No. 21654 of 2026 stands disposed of.**

5. Needless to say, this Court has not observed anything on merit and the Authority concerned is free to pass any order in accordance with law. The downloaded copy of this order, subject to its verification may be utilized for the purpose of interim protection.

***(G. Satapathy)***
***Judge***

Signature Not Verified
Digitally Signed
Signed by: SUBHASMITA SASMAL
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 05-Nov-2026 18:16:07