IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.36671 of 2026

CNR No. ODHC010869652026

Nityananda Das and another … ***Petitioners***

Mr. S. Sahoo, Advocate

-versus-

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

Mr. S.K. Rout, ASC

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):13.11.2026

Order No.

02. **IA No.21934 of 2026**

1. This is an application by the writ petitioners for modification of the Order No.1 dated 05.11.2026 passed in W.P.(C) No.36671 of 2026 and IA No.21731 of 2026.

2. Heard, Mr. Sudhakar Sahoo, learned counsel for the writ petitioners and Mr. S.K. Rout, learned ASC and perused the record.

3. Accordingly, the Order No.1 dated 05.11.2026 passed in W.P.(C) No.36671 of 2026 and IA No.21731 of 2026 is, hereby, recalled and the following order is passed afresh. **Hence, IA No.21934 of 2026 stands disposed of.**

W.P.(C) No.36671 of 2026 & IA No.21731 of 2026

4. The short grievance of the petitioners is against their proposed eviction from encroached road in terms of the notice issued under Annexure-1.

5. Heard, Mr. Sudhakar Sahoo, learned counsel for the writ petitioners and Mr. S.K. Rout, learned ASC and perused the record. It is contended on behalf of the petitioners that they have never encroached any public road and they are residing in their land, but they, however, want to challenge the illegal notice issued against them under Annexure-1 before the Appellate Authority under OPLE Act, 1972 and, thereby, the possession of the petitioners may kindly be protected till disposal of the Appeal to be filed.

6. After having considered the rival submissions and upon perusal of record together with the documents placed on record, since the notice issued against the writ petitioners is appealable in nature, this Court without delving into the matter on merit, disposes of this Writ Petition by granting liberty to the petitioners to file appropriate Appeal in accordance with law against the notice issued under Annexure-1 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 petitioners. It is, however, observed that as an interim measure, no coercive action shall be taken against the petitioners for 15 days or till disposal of the interim application, if any, of the petitioners by the Appellate Authority, whichever is earlier. Annexure-1 does form part of this order.

Accordingly, IA No.21731 of 2026 stands disposed of.

7. 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

Subhasmita

Signature Not Verified
Digitally Signed
Signed by: SUBHASMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 13-Nov-2026 18:17:22