

(2023) 04 OHC CK 0109
In the Orissa High Court
Case No : Writ Petition (C) No.10887 Of 2023

Anchalika Ramalila Samiti

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 11-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0109

Hon'ble Judges : R.K. Pattanaik, J

Bench : Single Bench

Advocate : Prasanna Kumar Mishra, P.K. Rout

Final Decision : Disposed Of

Judgement

R.K. Pattanaik, J

1. Heard Mr. Mishra, learned counsel for the petitioner and Mr. Rout, learned Additional Government Advocate for the State-opposite parties.

2. Instant writ petition is filed by the petitioner-society challenging impugned notice under Annexure-4 in Form 'Kha' in respect of the schedule land with a consequential direction to the opposite parties to settle it in its favour on the grounds stated therein.

3. Mr. Mishra, learned counsel for the petitioner submits that the petitioner-society is using the schedule land for religious and charitable purposes and same is in existence since in the year 1951 but recently, the authority concerned issued notice in Form 'Ka' and thereafter, in Form 'Kha' vide Annexure-4. It is further submitted that the representation is pending decision before the Tahasildar, Baranga-opposite party No.4 but no decision has yet been taken in that regard. It is also claimed that since a copy of the impugned notice/order vide Annexure-4 could not be obtained to file an appeal challenging the impugned action, status quo should be directed over the schedule land as an interim measure or else the petitioner-society would suffer immensely, in the

event, the structure standing over the same is demolished.

4. On the other hand, Mr. Rout, learned Additional Government Advocate for the State-opposite parties submits that since impugned notice under Annexure-4 in Form 'Kha' has been issued in the meantime and the decision is appealable in nature, the petitioner should approach the Authority challenging the same as per the provisions of the OPLE Act.

5. Gone through the representation dated 23rd December, 2022 i.e. Annexure-2. The Court finds that notice in Form 'Kha' under Annexure-4 has been issued and it pre-supposes that either show cause and no show cause to have been filed by the petitioner-society, as a result of which, opposite party No.4 issued annexure-4. However, having regard to the representation submitted to opposite party No.4, a copy of which is Annexure-2 for the Court's perusal, it is of the view that the petitioner-society should be granted the liberty to approach the appropriate authority challenging the action of opposite party No.4 and the notice in Form 'Kha' i.e. Annexure-4 for a decision thereon within the stipulated period of time which would serve the purpose and meet the ends of justice.

6. Accordingly, it is ordered.

7. In the result, the writ petition stands disposed of with the liberty allowed in favour of the petitioner-society to approach the appellate forum against the decision of opposite party No.4 for

having issued Annexure-4 and in the event, any such appeal is filed within a period of four weeks from today, the concerned Authority shall entertain it condoning delay, if any and thereafter to examine and pass necessary order thereon after providing opportunity of hearing to both the sides and then to dispose it of within next four weeks and till then, the parties are to maintain status quo over the schedule land.

8. A copy of this order be issued as per rules and uploaded in Court's website in course of the day.

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