

(2025) 11 OHC CK 1929
In the Orissa High Court
Case No : W.P.(C) No. 33746 Of 2025

Biswajit Nayak

APPELLANT

Vs

State Of Odisha & Ors

RESPONDENT

Date of Decision : 26-11-2025

Acts Referred:

Orissa Prevention Of Land Encroachment Act, 1972 — Section 12(1)

Citation : (2025) 11 OHC CK 1929

Hon'ble Judges : Dr. Sanjeeb K Panigrahi, J

Bench : Single Bench

Advocate : Suvashish Pattanaik, Gayatri Patra

Final Decision : Disposed Of

Judgement

Dr.Sanjeeb K Panigrahi, J

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. In filing this Writ Petition, the Petitioner being an encroacher, has challenged the eviction notice dated 04.11.2025 under Annexure-4 issued by the Opposite Party No.3/Tahasildar, Khajuripada.
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 notice under Annexure-4. Hence, the Petitioner should approach the Appellate Authority.
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 fifteen working days hence. In such event, the

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 notice under Annexure-4 issued by the Opposite Party No.3/ Tahasildar, Khajuripada.

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