
(2021) 12 OHC CK 0011
In the Orissa High Court
Case No : Writ Appeal No.395 Of 2021

Narasingha Sahoo

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 02-12-2021

Acts Referred:

Orissa Prevention of Land Encroachment Act, 1972 mdash; Section 12

Citation : (2021) 12 OHC CK 0011

Hon'ble Judges : Dr. S. Muralidhar, J;A. K. Mohapatra, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

I. A. No.991 of 2021

1. The office report is that there is no delay.
2. The application is accordingly disposed of.

W.A. No.395 of 2021

3. The prayer in the writ petition, which has been dismissed by the impugned order of the learned Single Judge, was for a direction to the Opposite Parties to settle a plot in favour of the Petitioner and his family members within a stipulated time. The petition also sought to quash the order dated 16th October, 2019 passed by the Tahasildar.

4. The said order of the Tahasildar is an appealable one. Learned Single Judge therefore ought to have relegated the Petitioner to the remedy of an appeal.

5. In that view of the matter, while setting aside the impugned order of the learned Single Judge, this Court directs that the present Appellant will avail the remedy of an appeal under Section 12 of the Orissa Prevention of Land Encroachment Act (OPLE Act). If such an appeal is filed not later than 3rd January, 2022 accompanied by an application for condonation of delay,

explaining the delay on account of pendency of both the writ petition as well as the present appeal, it will be considered on its merit by the Appellate Authority. The Court clarifies that it has not expressed any view in the matter. It will be open to the Appellant to seek appropriate interim relief before such Appellate Authority.

6. The writ appeal is disposed of in the above terms.

7. An urgent certified copy of this order be issued as per rules.

.....