

(2024) 02 OHC CK 0287
In the Orissa High Court
Case No : Writ Petition (C) No.4223 Of 2024

Rohita Meher

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 29-02-2024

Acts Referred:

Citation : (2024) 02 OHC CK 0287

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

Bench : Single Bench

Advocate : Sk. Zafarulla, J.P. Patra

Final Decision : Allowed

Judgement

R.K. Pattanaik, J

1. Heard Mr. Zafuralla, learned counsel for the petitioner and Mr. Patra, learned ASC for the State.
2. Instant writ petition is filed by the petitioner challenging the impugned of eviction notice under Annexure-2 in respect of the plot morefully described therein issued in connection with L.E. Case No.04/21 of 2024 with a direction to opposite party No.3 not to evict him.
3. In course of hearing, Mr. Sk. Zafarulla, learned counsel for the petitioner submits that in a similar case, this Court by order dated 23rd February, 2024 allowed the petitioner therein to approach the appellate forum against the eviction and hence, same relief should be extended and while claiming so, he produced a copy of the said order.
4. Mr. Patra, learned ASC for the State would submit that since the notice in Form 'Kha' stands issued, if the Court is inclined, the petitioner may directed to approach the Appellate Authority under the OPLE Act.
5. Considering the facts pleaded on record and submissions of learned counsel

for the respective parties, the Court is inclined to allow the petitioner to knock the doors of the appellate forum with an appeal is filed for its disposal according to law as the same would rather serve the purpose and meet the ends of justice.

6. Accordingly, it is ordered.

7. In the result, the writ petition stands with the liberty allowed in favour of the petitioner to approach the Appellate Authority under the OPLE Act against Annexure-2 and in the event, any such appeal is filed within a fortnight from today, the same shall be entertained by opposite party No.2, who shall thereafter to proceed and to dispose it of within next two weeks and till such time, the appeal is presented, there shall be status quo maintained in respect of the schedule land.

8. Urgent certified copy of this order be issued as per rules.

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