

**(2025) 12 OHC CK 1879**  
**In the Orissa High Court**  
**Case No : Writ Petition (C) No. 36119 Of 2025**

Upendra Nayak

APPELLANT

Vs

State Of Odisha & Ors

RESPONDENT

**Date of Decision :** 16-12-2025

**Acts Referred:**

**Citation :** (2025) 12 OHC CK 1879

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

**Bench :** Single Bench

**Advocate :** Krushna Chandra Ratha, Debasish Nayak

**Final Decision :** Disposed Of

## Judgement

Dr. Sanjeeb K Panigrahi, J

1. 1. This matter is taken up through hybrid arrangement.
2. This matter was not in today's list. On being mentioned, this matter is taken up through Special Notice.
3. In filing this Writ Petition, the Petitioner being an encroacher has challenged the order of eviction dated 09.12.2025 issued by the Tahasildar, Basudevpur in Encroachment Case No.89 of 2025-26 vide Annexure-1 and order dated 29.07.2025 passed by the Sub-Collector, Bhadrak in Encroachment Appeal No.24 of 2025 vide Annexure-3 series.
4. Heard learned counsel for the Parties.
5. During course of hearing, learned counsel for the State, at the outset, submits that there is a clear statutory remedy of revision available under the O.P.L.E Act against the order dated 29.07.2025 passed by the Sub-Collector, Bhadrak in Encroachment Appeal No.24 of 2025 vide Annexure-3 series. Hence, the Petitioner in order to redress his grievance should approach the Revisional Authority.

6. 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 revision along with a petition for condonation of delay, if any, so also a petition for interim protection before the concerned Revisional Authority as per the provision under O.P.L.E Act, within a period of fifteen working days hence. In such event, the Revisional Authority shall conclude the hearing within a period of one month from the date of filing of the Revision.

7. 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 order dated 29.07.2025 passed by the Sub- Collector, Bhadrak in Encroachment Appeal No.24 of 2025 vide Annexure-3 series.

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

9. Issue urgent certified copy in course of the day.