

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25223 of 2023

Rinku Sahoo @ Prabir Kumar Sahoo Petitioner
M/s. Maheswar Mohanty, Advocate & Associate

-Versus-

State of Odisha & Others Opposite Parties

Mr. YSP Babu, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
08.08.2023

Order No.

01. 1. Heard Mr. Mohanty, learned counsel for the petitioner and Mr. YSP Babu, learned AGA for the State-opposite parties.
2. Instant writ petition is filed by the petitioner challenging the impugned notice under Annexure-6 on the grounds stated therein.
3. Mr. Mohanty, learned counsel for the petitioner submits that in response to Annexure-4 in OPLE Case No. 488 of 2023, the petitioner filed the show cause dated 10th July, 2023 but without considering the same, impugned notice under Annexure-6 was issued, which is unjust and illegal and hence, liable to be interfered with.
4. Mr. Babu, learned AGA for the State-opposite parties submits that as in the meantime, impugned notice in Form 'Kha' has been issued vide Annexure-6 and therefore, the petitioner may raise any such ground before the appellate forum for a decision in accordance with law.

5. Having regard to the fact that the petitioner claims possession of the schedule land, in respect of which, notice in Form 'Ka' was issued in the month of June, 2023 and thereafter, as it is made to understand, the show cause was filed on 10th July, 2023 and considering the submission that the reply was not considered, which was followed vide Annexure-6, the Court is of the view that any such ground may be raised before the appellate forum for a decision according to law with an interim protection provided to him in respect of the land in question.

6. Hence, it is ordered.

7. In the result, the writ petition stands disposed of with the liberty allowed in favour of the petitioner to approach the appellate forum and in case, the appeal is filed within a fortnight from today, the same shall be entertained by opposite party No.3 and after providing opportunity of hearing to him, to dispose of the same as soon as possible preferably within next four weeks and till such time, the appeal is presented, there shall be status quo maintained vis-à-vis the schedule land.

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

(R.K. Pattanaik)
Judge

Balaram