



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 3171 of 2025

Md. Zahirullah

..... *Petitioner(s)*

Mr. Uma Charan Mishra, Adv.

-versus-

State of Odisha & Ors.

..... *Opposite Party(s)*

Mr. P.P. Behera, ASC

Mr. L.N. Patel, Adv.

for O.P.4

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

26.03.2025

Order No.

03.

1. This matter is taken up through hybrid arrangement.
2. In filing this Writ Petition, the Petitioner being an encroacher has sought for a direction from this Court to the Commissioner, Sambalpur Municipal Corporation/Opposite Party No.4 for not evicting him from the disputed property in question till conclusion of the proceeding vide C.S. No.10 of 2025 which is pending before the Court of learned Senior Civil Judge, Sambalpur.

3. Heard learned counsel for the Parties.

4. Learned counsel for the Commissioner, Sambalpur Municipal Corporation/ Opposite Party No.4, at the outset, submits that since the above noted Civil Suit pertaining to the disputed

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property in question is pending before the Court of learned Senior Civil Judge, Sambalpur, the Petitioner instead of preferring this Writ Petition should pursue his remedy before the concerned Civil Court.

5. At this juncture, learned counsel for the Petitioner prays for granting necessary permission in favour of the Petitioner to pursue his remedy before the concerned Civil Court.

6. Considering the submissions made on behalf of the parties and without expressing any opinion on the merits of the case of the Petitioner, this Court directs the Petitioner to move an application for injunction in the above noted Civil Suit within a period of fifteen working days hence. In such event, the said application shall be decided within a period of fifteen days thereafter.

7. It is further directed that till the application for injunction is taken up by the learned Senior Civil Judge, Sambalpur, no coercive action shall be taken against the Petitioner pursuant to the dispute involved herein.

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

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(*Dr. S.K. Panigrahi*)

Judge