



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.20049 of 2025

Lalita Behera

.... ***Petitioner***
Represented By Adv.
Mr. Biswajit Mohapatra

-versus-

State of Odisha & Ors.

.... ***Opposite Parties***
Represented by ASC
Ms. Gayatri Patra

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER

21.07.2025

Order

No.

01. 1. This matter is taken up through hybrid arrangement.
2. The Petitioner has filed this Writ Petition challenging the eviction notice dated 17.06.2025 issued by the Tahasildar, Kandhamal, Phulbani in O.P.L.E. Case No.4-13/2023 under Annexure-1.
3. Heard.
4. During course of hearing, learned counsel for the State submits that there is a clear statutory remedy of Appeal available under Section 12(1) of the O.P.L.E. Act against the impugned notice of eviction dated 17.06.2025 issued



by the Tahasildar, Kandhamal, Phulbani in O.P.L.E. Case No.4-13/2023. Hence, the Petitioner should approach the concerned Appellate Authority by filing appeal.

5. Since the eviction notice dated 17.06.2025 has not been issued in the format of form 'Kha' to the Petitioner, the said notice dated 17.06.2025 issued by the Tahasildar, Kandhamal, Phulbani be treated as Form 'Kha'.

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 learned counsel for the Petitioner, this Court permits the Petitioner to file an appeal along with a petition for condonation of delay, if any, so also a petition for interim protection before the appellate authority as per Section 12(1) of the O.P.L.E. Act, within a period of fifteen working days hence. In such event, the appellate authority shall conclude the hearing within a period of one month from the date of filing of the appeal.

6. It is made clear that the Appellate Authority shall pass a reasoned order by giving a proper opportunity of hearing to the Petitioner and also opportunity of submitting all the relevant documents.



7. It is further directed that till the appeal to be filed by the present Petitioner is disposed of by the Appellate authority, no coercive action shall be taken against the Petitioner pursuant to the notice of eviction dated 17.06.2025 issued by the Tahasildar, Kandhamal, Phulbani.

8. Accordingly, the Writ Petition is disposed of.

(Dr. S.K. Panigrahi)
Judge

Sumitra

Signature Not Verified

Digitally Signed
Signed by: SUMITRA NAYAK
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 21-Jul-2025 18:14:35

