



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 35082 of 2025

Sudhansu Sekhar Mishra

..... *Petitioner(s)*

Mr. Sanjaya Kumar Panigrahi, Adv.

-Versus-

State of Odisha & Ors.

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

Mr. Rajdeep Pradhan, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

09.12.2025

Order No.

07.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. In filing this Writ Petition, the Petitioner being an encroacher, has challenged the eviction notice dated 11.11.2025 under Annexure-1 issued by the Opposite Party No.2/Tahasildar, Birmaharajpur.
4. During the 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 under Annexure-1. Hence, the Petitioner should approach the Appellate Authority.
5. 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 an appeal along with a petition for condonation of delay, if any, so also a petition for interim protection before the concerned 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 three months from the date of filing of the appeal.

6. It is further directed that till disposal of the appeal to be filed by the Petitioner, no coercive action shall be taken against the Petitioner pursuant to the impugned notice under Annexure-1 issued by the Opposite Party No.2/Tahasildar, Birmaharajpur.
7. This Writ Petition is, accordingly, disposed of.
8. Considering the urgency in this matter, it is made clear that downloaded copy of this order from the website of this Court be treated as an authenticated copy.

(Dr. Sanjeeb K Panigrahi)
Judge