IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28640 of 2026

CNR No. ODHC010685672026

Alekha Malik .... ***Petitioner(s)***

Mr. Md. Golam Madani, Adv.

versus-

The Tahasildar, Basudevpur .... ***Opposite Party(s)***

Mr. Tej Kumar, ASC

CORAM:
HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No. **11.09.2026**

01.

1. This matter is taken up through hybrid arrangement.

2. In filing the present Writ Petition, the Petitioner alleged to be an encroacher has challenged the notice of eviction issued by the Tahasildar, Basudevpur vide Annexure-1 (series).

3. Heard learned counsel for the Parties.

4. During course of hearing, learned counsel for the State, at the outset, submits that there is a clear statutory remedy of appeal available under the O.P.L.E Act against the impugned notice of eviction vide Annexure-1 (series). Hence, the Petitioner should approach the Appellate Authority.

Signature Not Verified
Digitally Signed
Signed by: AYASKANTA JENA
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa
Date: 11-Sep-2026 16:36:03

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 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 the provision under the O.P.L.E Act, within a period of fifteen working days hence. In such event, the Appellate Authority shall conclude the hearing after providing adequate opportunity of hearing to the parties concerned within a period of three months from the date of filing of the appeal.

6. 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 notice of eviction vide Annexure-1 (series).

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

(Dr. Sanjeeb K Panigrahi)
Judge

Ayaskanta

Signature Not Verified
Digitally Signed
Signed by: AYASKANTA JENA
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa
Date: 11-Sep-2026 16:36:03