

31.05.2016

Heard Sri Patra, learned counsel for the petitioner.

This matter arises out of the impugned order under Annexure-5 directing the petitioner to vacate the disputed premises.

Perusal of the records discloses that for encroachment of the petitioner over the disputed plot, the State has already initiated encroachment case and the Land Encroachment Case No .10/2016 has been disposed of in the meantime with imposition of penalty of Rs.100/- on the petitioner, as appears which amount has already been paid by the petitioner vide Annexure-4. The pleadings indicate that petitioner has not challenged the final order passed in the Encroachment Proceeding.

Considering the submission of learned counsel for the petitioner and after going through the provision contained in the OPLE Act, this Court permits the petitioner to withdraw this petition with liberty to the petitioner to avail the remedy as available to him under the OPLE Act and also permits the petitioner to file an application for interim protection before the competent authority within a period of three weeks hence.

In the event, the petitioner files an application for interim protection, the same shall be considered and disposed of within a period of two weeks from the date of filing of the same. For the direction given hereinabove, this Court further directs that the order under Annexure-5 shall remain stayed for a period of four weeks hence.

Writ petition stands disposed of with the above direction.

Urgent certified copy of this order be granted on proper application.

..  
Biswanath Rath, J.  
(Vacation Judge)