

Heard Sri Panda, learned counsel for the petitioner.

This matter arises out of the impugned order under Annexure-3 directing the petitioner to vacate the encroachment within a period of three days.

Considering the submission of learned counsel for the petitioner and after going through the provision contained in the Odisha Municipal Act, 1950, this Court finds that there is a clear statutory remedy of appeal available to the petitioner under the said Act.

In view of the above, this Court disposes of this petition with a direction to the petitioner to file an appeal along with an application for interim protection within a period of three weeks hence before the competent authority.

In the event, the petitioner files an appeal along with an application for interim protection, the appeal shall be heard on its own merit and decided within a period of three months providing opportunity of hearing to all the parties concerned. The Appellate Authority is also directed to dispose of the interim application at the instance of the petitioner within a period of two weeks from the date of filing of the same. For the direction given hereinabove, this Court keeps the impugned order under Annexure-3 in abeyance for a period of five weeks.

Writ petition stands disposed of with the above direction.

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

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Biswanath Rath, J.  
(Vacation Judge)