

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6259 of 2004

Kartik Chandra Kanungo

....

Petitioner(s)

Mr. M. Kanungo,
Sr. Advocate

-versus-

Cuttack Municipal Corporation

....

Opposite Party(s)

Mr. S.K. Nayak (1),
Sr. Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER

12.10.2022

Order No.

05.

1. This Writ Petition involves the following prayer:-

“In the light of the above facts and circumstances it is humbly prayed that your Lordships may be graciously pleased to direct the Municipal Authorities (Opposite Party no -1) not to demolish any part of the culvert and / or approach road to the hotel and the Hall existing on plot No – 2666, 2667, 2668 & 3667, Mouza – Town Bisinabar, Cuttack.

And not to disturb the peaceful possession of the petitioner over the above mentioned properties by way of destruction / demolition.”

2. From the pleadings it appears, there was attempt by the public authority to demolish a part of the culvert and / or approach road to the hotel and the Hall existing over the plot Nos.2666, 2667, 2668 & 3667, Mouza- Town Bisinabar, Cuttack. It further appears, in entertaining the Writ Petition this Court by the order dated 13.06.2004 directed for stay of demolition / eviction, if any, of the construction over the aforesaid plot. Undisputedly such order is continuing as of now. Even though

almost 18 years have already passed, there is no filing of response by the public authority as of now. This itself indicates that the public authority is not interested in such demolition. In the event there was any exigency, necessary attempt would have been made to at least seeking variation of the order of stay.

3. Considering that the Petitioner has been enjoying the interim order since long and since the Opposite Parties have not shown any anxiety involving such protection, this Court observes, there is no requirement of eviction over the disputed property in question.

4. The Writ Petition stands disposed of with the above observation only.

(Biswanath Rath)
Judge

Ayaskanta Jena

