

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C). No.1136 of 2009**

*Gyanendra Nath Dash*

....

***Petitioner(s)***  
Mr.R.K.Rout, Adv.

*-versus-*

*State of Orissa and others*

....

***Opp.Party(s)***  
Mr.S.Mishra, ASC.

**CORAM:**

**JUSTICE BISWANATH RATH**

**ORDER**

**05.12.2022**

**Order**

**No.**

7.

1. Heard learned counsel appearing for the parties.

2. This writ petition involves the following prayer:-

“The petitioner, therefore, prays that this Hon’ble Court may be graciously pleased to admit the writ petition and issue Rule Nisi calling upon the Opp. parties to show cause as to why appropriate direction directing to the Opp. Party No.2 not to demolish the compound wall existing around the land of the petitioner under Annexure-3 and not to do any other act which may be prejudicial to the right, title and interest and possession of the petitioner shall not be issued and if the Opp. parties do not show cause or show insufficient cause then the said Rule be made absolute by issuing appropriate direction directing the Opp. party No.2 not to demolish the compound wall and not to do any act what so ever which may prove prejudicial/ detrimental to the right, title and interest possession of the petitioner in respect of the land of the petitioner under Annexure-3.

And for this act of kindness the petitioner as on duty bound shall ever pray.”

3. From the submission of Mr.Rout, learned counsel for the petitioner, this Court finds the writ petition is filed on apprehension of eviction by the public authority. This writ petition was entertained in the year 2009 and the petitioner is in enjoyment of no demolition without leave of this Court.

4. Learned counsel for the petitioner submits that there is no demolition in the meantime. For the settled position of law no encroacher can be evicted without following due process of law, this Court in disposal of the writ petition simply observes there

cannot be eviction of the petitioner without following due process of law.

5. The writ petition thus stands disposed of.

***(Biswanath Rath)***  
***Judge***

*Sks*

