

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. OF 2022

Subhashree Dalai

.....

Petitioner

Mr. Swapna Kumar Ojha, Advocate

-versus-

Union of India and others

....

Opp. Parties

Mr. P.K. Parhi, Asst. Solicitor General
along with Mr. Birendra Kumar Padhy, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.08.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for setting aside the notice/order dated 29th July, 2022 (Annexure-7) issued by the Deputy Inspector General of Police-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar directing the husband of the Petitioner to vacate the Qr. No.45/Type-II, Block-2, Group Centre, CRPF Campus, Bhubaneswar.
3. Mr. Ojha, learned counsel for the Petitioner submits that the quarters in question was allotted to the husband of the Petitioner on 9th March, 2018 and is entitled to retain the quarters till completion of three years. Referring to Rule-16 of the guidelines for allotment and occupation of family quarters by the CRPF personnel, he submits that the husband of the Petitioner is entitled to retain the quarters at least till the end of academic session. Now the husband of the Petitioner is serving at Babuna in New Delhi. His daughter is pursuing her studies in +2 (2nd Year) at Bhubaneswar. At this juncture, if the husband of the Petitioner is evicted from the said

quarters, he will suffer irreparable loss and carrier of his daughter will be seriously affected. Hence, he prays for setting aside the impugned notice under Annexure-7.

4. Mr. Parhi, learned Assistant Solicitor General appearing for CRPF submits that the husband of the Petitioner is required to vacate the quarters after completion of the period of allotment of three years, but he did not vacate the said quarters after completion of three years for which he was issued with notice under Annexure-7. Referring to Rule 16 of the guidelines, he submits that the husband of the Petitioner was entitled to retain the quarters till completion of academic session of that year, when he completed three years. The said Rule is not applicable to the notice under Annexure-7. He further submits that whenever a CRPF personnel is transferred, he is allowed with rent allowance. Hence, he is not entitled to retain the quarters in question.

5. Taking into consideration the rival contentions of the parties, this Court feels that the matter requires consideration by the competent authority. Accordingly, this writ petition is disposed of with a direction that in the event the husband of the Petitioner makes a comprehensive representation to the Deputy Inspector General of Police-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar- Opposite Party No.3 within a period of seven days hence along with certified copy of this order, he shall do well to consider the same in accordance with law as expeditiously as possible preferably within a period of four weeks therefrom.

6. Till disposal of such representation, if filed within the stipulated time as above, no coercive measure shall be taken

pursuant to the notice under Annexure-7 for eviction of husband of the Petitioner, if he has not been evicted in the meantime.

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

(K.R. Mohapatra)
Judge

bks

