

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.593 of 2022

Bishnu Prasad Mohanty

....

Petitioner

*Ms. Baijayanti Mohanty,
Advocate*

-versus-

State of Odisha and another

....

Opposite Parties

*Mr. D. Mund,
Additional Government Advocate for State*

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

10.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties.
3. The present writ petition has been filed by the Petitioner with a prayer to allow the Petitioner to retain the quarter till May, 2022 as per his undertaking.
4. It is submitted by learned counsel for the Petitioner that the Executive Officer, Balasore Municipality, Opposite Party No.2 by beating of drums announced that Petitioner is required to vacate the quarter he is occupying within seven days. It is further submitted that the quarter belonging to Opposite Party No.2 was initially allotted in favour of the Petitioner, vide Letter No.1184 dated 20.02.1985. Vide Letter No.5577, dated 16.07.2021, the Petitioner was asked to vacate the quarter he is occupying within fifteen days.

5. Challenging the aforesaid order dated 16.07.2021, the Petitioner had approached this Hon'ble Court in W.P.(C) No.21594 of 2021. This Court vide order dated 02.08.2021 disposed of the said writ petition observing that the order impugned in that case is an appealable order and granted liberty to the Petitioner to withdraw the writ petition to approach the Appellate Authority. It is further submitted by the Petitioner that after disposal of the said writ petition, the Petitioner has filed an Appeal before the Municipal Council, Balasore, which is stated to be pending before said Authority.

6. In view of the earlier direction by this Court, I am not inclined to entertain the writ petition. However, the Appellate Authority is directed to dispose of the appeal pending before it within a period of four weeks from the date of production of copy of this order. Petitioner is also directed to extend all possible cooperation for disposal of the Appeal. Petitioner is further directed to file an application seeking interim relief before the Appellate Authority. In the event such an application is filed with an undertaking that Petitioner shall deposit the entire arrear amount within a period of one month from today and file an undertaking that he will vacate the quarter within three months, the Appellate Authority shall consider the interim application and pass necessary orders to that effect. It is however made clear that if the Petitioner has already paid any amount towards arrear rent, the same shall be adjusted against the final amount.

7. Since this order has been passed at the stage of admission without issuing notice to the Opposite Parties, it is open for the

Opposite Parties to seek variation/modification of the present order in the event Opposite Parties feel aggrieved by this order.

8. With the aforesaid direction, the writ petition stands disposed of.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(A.K. Mohapatra)
Judge

U.K.Sahoo