

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7279 of 2005

Smt. Shantilata Mohapatra

....

Petitioner(s)

Mr. A.Ch. Mohanty,
Advocate

-versus-

State of Orissa & Anr.

....

Opposite Party(s)

Mr. S. Ghose,
AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

17.10.2022

Order No.

04.

1. This writ petition involves the following prayer:-

“Therefore, it is prayed that this Hon’ble Court would graciously be pleased to issue RULE NISI calling upon the opp.parties to show cause as to why they shall not further be commanded not to demolish the structure adjacent to Plot No.EB-414(Brit), Bargarh measuring 23’ x 33’ at the back of the petitioner’s plot and command the opp.parties to consider the representation of the petitioner at Annexure-3 in the light of the Govt. Circular dated 16.04.91 and any other relieves for relief this Hon’ble Court deems fit and property and/allow the writ petition with cost;

And for which act of kindness, the petitioner as in duty bound ever pray.”

2. Factual aspect involved herein is that on service of a notice to show cause on the Petitioner by the B.D.A vide Annexure-2, it appears, vide Annexure-3 the Petitioner has submitted her response. It is alleged that without attending to the finality on the show cause aspect, there

was an attempt for demolition of the portion involved resulting filing the Writ Petition.

3. From the order dated 21.06.2005 it appears, while directing for issuing notice, this Court as an interim measure passed an order of status quo in respect of the disputed property to be maintained by the parties till next date, which order is continuing as of now.

4. In the circumstance and for the Opposite Parties in contest not showing any interest even after service of notice, this Court records the submission of the learned counsel for the Petitioner that there has been no finalization to the show cause notice even as of now. This Court, therefore, disposes of the Writ Petition with a direction that in the event the cause of action involving the show cause notice vide Annexure-2 still survives, the B.D.A. may enter into disposal of the same involving the parties concerned and also keeping in view the response to the show cause at the instance of the Petitioner.

5. The Writ Petition stands disposed of with the above observation.

(Biswanath Rath)
Judge