

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.1321 of 2022

Sasmita Routray & others* *Petitioners

-versus-

State of Odisha & others* *Opposite Parties

**CORAM:
THE JUSTICE S.PUJAHARI**

ORDER

19.01.2022

**Order
No.**

01. 1. This matter is taken up through Hybrid mode.
2. Heard.
3. The grievance of the Petitioners is that they are in occupation of the homestead land in Ward No.6, Gadadwara Bauri Sahi belonging to Khurda Municipality. Now the Municipality is going to evict them without adhering due process of law. Therefore, the Petitioners have sought for a direction to the opposite parties not to evict them forcibly without adhering due process of law.
4. The Petitioners have come to this Court on an apprehended cause of action since no notice of eviction has been given to them.
5. Learned counsel for the Petitioners submits that the Petitioners have been extended threat of eviction and they have

every reason to believe that the said threat is going to materialize. Hence, the writ petition, not to evict them from the land and settle the same as they are entitled to the same.

6. In the absence of any notice of eviction, this Court though is not inclined to entertain the prayer of the Petitioners at this stage but disposes of the writ petition with a direction to the opposite parties not to evict the Petitioners without adhering the due process of law, if they are at all in settled possession of the aforesaid land as on date. However, if any proceeding for their eviction is initiated, the Petitioners are at liberty to raise their claim regarding entitlement of the settlement of the land in their favour.

7. As restrictions due to resurgence of COVID-10 situation are continuing, learned counsel for the parties may utilize a printout copy 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 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S. Pujahari)
Judge