

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

**W.P.(C).No.1411 of 2022**

*Sk.Abdul Shakil.*

....

***Petitioner***

Mr.S.S.Rao, Advocate

*-versus-*

*The Collector, Ganjam & ors.*

....

***Opposite Party(s)***

Mr.S.P.Panda, AGA

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER**

**18.01.2022**

**Order No.**

1

1. This matter is taken up through Video Conferencing Mode.

2. This matter was not in today's list but on being mentioned realising urgency, the same is taken up through special notice.

3. Heard Mr.Rao, learned counsel for the petitioner and Mr.S.P.Panda, learned AGA appearing for the O.Ps.1 to 3. Let a copy of the writ petition be served on Mr. Panda in course of the day.

4. From the submission of Mr.Rao, learned counsel for the Petitioner, it appears, by the cause of action involving eviction of the Petitioner, there appears to be giving a go-bye to the terms and conditions in the execution of the agreement, in such event this Court is of the view, there may be a case for damage through duly constituted proceeding. Be that as it may, this Court since finds there is allegation of pending consideration of the Petitioner's request, during course of submission, this Court finds, pursuant to the order dated 31.7.2021 at Annexure-10, the petitioner involving execution of an agreement between both the parties raised objection on eviction being without following due process of law. It also appears, the petitioner, vide Annexure-11 and 12 has already objected to such eviction. Mr.Rao,

learned counsel for the petitioner makes a statement that there has been no consideration to the case of the petitioner vide Annexure-11 and 12.

5. Keeping this in view, this Court observes, in the event there is no eviction as of now and also no decision on Annexure-11 and 12, the opposite party no.4 is directed to take decision on the request of the petitioner, vide Annexure-11 and 12 at least within a period of fifteen days hence giving opportunity of hearing to the petitioner. Till fifteen days, in the event there is no eviction as of now, there may not be eviction of the petitioner till the outcome as per the direction of this Court.

6. It be stated here that this Court has not expressed any opinion of the claim aspect and the Authority is required to undertake an impediment assessment.

7. Petitioner, if so likes, may intimate this order by way of an application through Fax to prevent any injustice before communication of order at least by tomorrow (19.01.2022).

8. As restrictions due to resurgence of COVID-19 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 25<sup>th</sup> March, 2020 as modified by Court's Notice No.4798, dated 15<sup>th</sup> April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7<sup>th</sup> January, 2022.

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