

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.1585 OF 2022

Sk.Hayat Tulla & anr.

....

Petitioners

Mr.S.K.Samantaray, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
17.2.2022**

Order No.

01.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“The Petitioners, therefore, pray that this Hon’ble Court be graciously pleased to issue Rule Nisi calling upon the opposite parties to show cause :

- (i) as to why a writ of certiorari/mandamus or any other appropriate writ/writs shall not be issued in directing to the Director of Estates & Ex. Officio, Joint Secretary to General Administration Department (Opp.Party No.3) to dispose of their application dated 3.12.2020 under Annexure-4 within a stipulated period in allotting the scheduled land measuring Ac.0.042 decs. is used as residential purpose in favour of each petitioner from their share measuring Ac.0.084 decs. out of total encroached area of land measuring Ac.0.420 decs. in Hal Plot No.36/2248 under Khata No.1214 in corresponding to Sabik Plot No.128 under Khata

No.542 of Mouza-Kapila Prasad and till then not to take any coercive action to evict/disposes the Petitioners from the scheduled land;

- (ii) If the opposite parties fail to show cause or show insufficient cause to make the said Rule absolute;
- (iii) And to pass such other order/orders and to issue such other writ/writs which would afford complete relief to the petitioners.”

3. It appears, the Petitioners have a grievance already before O.P.3 on the selfsame issue, vide Annexure-4. Keeping in view this is a pending case with the Competent Authority, the Writ Petition stands disposed of directing O.P.3 to look into the request of the Petitioners, vide Annexure-4 and pass appropriate orders on the same, if necessary entering into appropriate enquiry to find out if the Petitioners are landless persons in the State and as such, entitled to any land, by completing the entire exercise within a period of three months from the date of communication of this order by the Petitioners. In the event there is no eviction of the Petitioners as of now and are residing there, status quo in respect of the disputed property be maintained by both parties till a decision taken on Annexure-4 by O.P.3.

(Biswanath Rath)
Judge

M.K.Rout