

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

**W.P.(C) NO.1796 OF 2022**

***Basanti Jena***

....

***Petitioner***

Mr. P.Ku. Nanda, Adv.

*-versus-*

***State of Odisha & Ors.***

....

***Opposite Parties***

Mr. S.P. Panda, AGA

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER  
21.1.2022**

**Order  
No.**

01.

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the Parties.
3. This writ petition involves a challenge to the orders at Annexures-2 & 3 respectively being passed under the provision of the Orissa Public Premises (Eviction of Unauthorized Occupants) Act, 1972.
4. Looking to the nature of allegation and the manner of deciding the O.P.P. Case No.26/2017(L), this Court finds, involving same issue this Court in another writ petition bearing W.P.(C) No.682 of 2022 has also taken a view that there should be mandatory compliance of the provisions at Section 5 of the Orissa Public Premises (Eviction of Unauthorized Occupants) Act, 1972 and Rule 7(2) of the Orissa Public Premises (Eviction of Unauthorized Occupant) Rules, 1988. Further, this Court in disposal of the above writ petition has also come to observe that

since the dispute relates to eviction of persons from the land in their occupation, at least a bare minimum opportunity of hearing should be provided in undertaking such exercise. This Court, therefore, while deprecating the manner of disposal of the original proceeding as well as the appeal proceeding in present case, finds, the present case is squarely covered by the decision rendered in W.P.(C) No.682 of 2022. This Court is, accordingly, on the consent of both the learned counsel, inclined to enter into the final hearing of the matter and in the process, while setting aside both the impugned orders at Annexures-2 & 3, this Court remits the matter to the Estate Officer, Bhubaneswar to re-do the exercise involving the O.P.P. Case No.26/2017(L), but however, involving the Petitioner. It is further directed that in the event the Petitioner wants to satisfy her claim any further, the Petitioner is at liberty to satisfy her claim by filing documents in proof of her claim along with an authenticated copy of this order at least within a period of fifteen days from today. It is also directed that the O.P.P. Case No.26/2017(L) shall be decided afresh within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout 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,

modified by Notice No.4798 dated 15<sup>th</sup> April, 2021 and Court's Office  
Order circulated vide Memo Nos.514 and 515 dated 7<sup>th</sup> January, 2022.

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

M.K.Rout

