

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16255 of 2012

Smt. Basanti Swain

..... Petitioner

Mr. R.R. Swain, Advocate

-versus-

State of Odisha and others

..... Opp. Parties

Mr. D.K. Mohanty, AGA

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

ORDER

29.06.2022

Order No.

04.

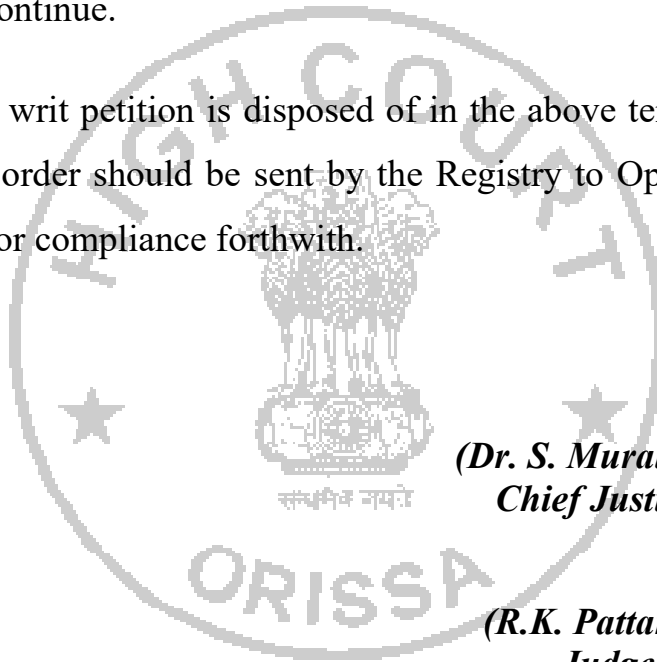
1. Notice was issued in the present petition way back on 5th September, 2012 and an interim order was passed directing that status quo as regards possession of Plot Nos.508 and 509 in Mouza-Ramgarh, Cuttack shall be maintained. That interim order is continuing. Despite almost a decade having passed, none of the Opposite Parties has filed any reply.

2. The short ground on which the Petitioner seeks to challenge the impugned order dated 25th August, 2012 of the CDA requiring her to remove the unauthorized construction is that the Petitioner's Appeal No.20 of 2005 filed against the notice dated 27th December, 2004 in U.C. No.22 of 2001 directing the husband of the Petitioner to demolish the entire unauthorized structure is still pending consideration before the Commissioner-cum-Secretary, Housing & Urban Development Department. A copy of the said appeal has been enclosed as Annexure-6. There is no counter affidavit to contradict any of the averments of the Petitioner and in

particular regarding the pendency of the above appeal before Opposite Party No.1.

3. In that view of the matter, a direction is issued to Opposite Party No.1 to dispose of the Petitioner's appeal in accordance with law after hearing the Petitioner, within a period of four months from today and in any event not later than 1st November, 2022. Till then, the interim order passed on 5th September, 2012 directing the parties to maintain status quo shall continue.

4. The writ petition is disposed of in the above terms. A copy of the order should be sent by the Registry to Opposite Party No.1 for compliance forthwith.



(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge