

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.4724 of 2022

Mousumi Bibi

....

Petitioner

Mr.S.C.Satpathy, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.R.P.Mohapatra, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
17.02.2022**

Order No.

01

1. This matter was not in today's list. Mention being made in the first hour involving immediate intervention of this Court on an attempt of public authority for demolition of the property and eviction of the petitioner, the matter was directed to be taken up on special notice. Accordingly, the matter is taken up,
2. Heard learned Counsel appearing for the parties.
3. Learned counsel appearing for the petitioner submitted that undisputedly the petitioner is occupying a piece of land unauthorizedly. However, she has no land in the State of Odisha. She has applied to the Special Secretary to Government, General Administration & P.G. Department for allotment of Plot No.1472(Pt.) under Khata No.441 of Mouza-Kharavelanagar comprising an area Ac.0.24 decimals within the jurisdiction of Bhubaneswar Municipal Corporation in her favour. The application appears to be pending vide Annexure-2 at page 13 of the brief. Keeping this in view and on the premises that petitioner is a landless person and the land under occupation the petitioner is still using for her residence, learned counsel for the petitioner seeks intervention of this Court at least a decision is taken by the Special Secretary to Government, General Administration & P.G. Department.

4. Mr.Mohapatra, learned Additional Government Advocate on the other hand objects the claim of the petitioner on the premises that it is not known whether such application is pending with the competent authority or not. He however did not dispute in the event application is pending, there should have been a decision in the meantime. For this matter is taken up at admission stage, Mr.Mohapatra is unable to inform the Court about exact position of the application.

5. Keeping in view the rival contentions of the parties, this Court observes in the event the petitioner has already not faced with any eviction and or demolition proceeding by the competent authority and she is still in possession of the disputed property, she may not be disturbed at least till a decision is taken by the Special Secretary to Government, General Administration & P.G. Department on Annexure-2. Protection to the petitioner is granted for a period of two months within which period pending application of the petitioner will be finally disposed of.

6. With this observation, the writ petition stands disposed of.

7. Issue urgent certified copy of this order on proper application.

(Biswanath Rath)
Judge