

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC No.5493 of 2022

Sudhir Kumar Bishoi & ors.

....

Petitioner(s)

Mr. S Mukharjee, Adv.

-versus-

State of Odisha & anr.

....

Opp.Party(s)

Mr.R.P. Mahapatra, AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

18.04.2022

Order No.

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1. Heard learned counsel for the Parties.
2. Receipt showing deposit pursuant order dated 8.4.2022 filed today in Court be kept on record.
3. This writ petition involves removal of encroachment at the instance of the Industrial Development Corporation, Cuttack Division for clearing encroachment alleged to have been made in Plot No. C/4/2, Industrial Estate, Jagatpur (NEW). Petitioners alleged that there has been no demarcation proceeding as of now. It is also contended that in the event any demarcation process is undertaken by the contesting opposite parties, that did not involve the petitioners.
4. Considering the serious allegation and there involved an eviction on the alleged encroachment of the petitioners, this Court finds it appropriate permitting the petitioners to undertake the demarcation exercise on their own cost but however involving the parties on contest and likely to be affected in such process. Let an approach for demarcation proceeding be made within seven working days and the demarcation request shall be considered and undertaken in involvement of the parties likely to be affected and within a period of two months from the date of this order. The order at Annexure-3 shall ultimately be abided by such outcome. Till such exercise is over, there shall be status

quo in respect of the disputed property involving the petitioners vis-à-vis the contesting opposite parties.

5. The writ petition stands disposed of with the above order. The petitioners are directed to serve a copy of this order on the contesting opposite parties within seven days.

(Biswanath Rath)
Judge

Order No.
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ORDER
18.04.2022
I.A.No.5007 of 2022

1. Issue notice as above.
2. Accept one set of process fee.
3. As an interim measure it is directed that operation of the order dated 11.04.2022 at Anenxure-1 and consequential letter dated 13.04.2022 at Annexure2 shall remain stayed till next listing of the case. It is further made clear that pendency of the writ petition shall not stand on the way of the Commission to proceed in the inquiry involved, if any, and if falls within its domain to arrive at conclusion even in absence of the Collector providing right of submission to the representative of the Collector on appropriate notice.
4. Issue urgent certified copy of this order in course of the day on proper application.

(Biswanath Rath)
Judge