

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.5633 OF 2022

Pranabandhu Panda

....

Petitioner

Mr.B.Bhuyan, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
19.4.2022**

Order No.

01.

1. Heard learned counsel for the Parties.
2. The impugned order though depicts eviction of the Petitioner from the shop premises for his illegal occupation of shop premises meant otherwise and in absence of any deed in his favour following the notice of eviction by the B.D.O., Kamakhyanagar, vide Annexure-5, learned counsel for the Petitioner claims, the Petitioner owned the property since 1969 and the Petitioner claims right over such property on production of a copy of Record of Right and also on the basis of decision in an encroachment proceeding completed in the meantime, as disclosed under Annexure-2 and pleadings in the Writ Petition.

3. Considering the submission of the learned counsel for the Petitioner, this Court finds, for the clear material disclosure in Annexure-8, the B.D.O., Kamakhyanagar is proceeding in the matter on the premises of encroachment in the Market Complex. In the event the Petitioner has any right otherwise and the property no way is the property of the Market Complex, the Petitioner has to get such issues adjudicated in appropriate forum rather than asking this Court for considering for direction for disposal of the representation in such matter.

4. For a substantial question of right involved and as this Court finds no scope for interfering with the impugned order, it may be open to the Petitioner, if so advised, to approach the Civil Courts to assert his right over the disputed property. Thus while declining to entertain the Writ Petition, this Court simply observes, in the event any Civil Suit is filed, it has to be decided on its own merit and without being influenced by the observation of noting in the order at Annexure-8.

5. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge