

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 93 of 2019

Sanjay Kumar Sahoo

....

Appellant

Mr. G. N. Mishra, Advocate

-versus-

Zonal Deputy Commissioner, North

Zone, Bhubaneswar Municipal

Respondents

Corporation and another

None

CORAM:

THE CHIEF JUSTICE

JUSTICE M. S. RAMAN

ORDER

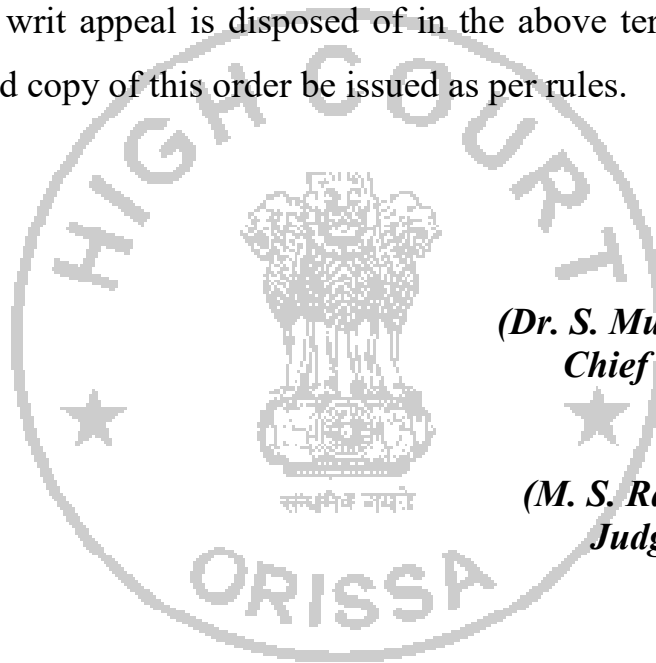
23.11.2022

Order No.

04. 1. In the writ petition filed by the present Appellant, the challenge was made to the eviction order dated 17th October, 2017 passed by the Respondent No.1-Bhubaneswar Municipal Corporation (BMC). By the impugned order, the learned Single Judge has required the Appellant to again approach the BMC without indicating under what provision of law such a remedy was available to the Appellant.
2. It must be noticed here that one of the main grounds on which the impugned eviction order was challenged by the Appellant was that it was without any prior notice to him and without an opportunity of explaining his side of the case. Indeed the impugned eviction order does not seem to indicate that it was after issuing notice to the Appellant.
3. Nevertheless, the Court is of the view that the writ petition could not have been dismissed summarily at the threshold without examining the merits.

4. For the aforementioned reasons, the Court sets aside the impugned order dated 24th January, 2019 of the learned Single Judge and restores W.P.(C) No.19010 of 2018 to the file of learned Single Judge in the roster Bench, where it will be listed for directions on 2nd January, 2023. The learned Single Judge will proceed with the writ petition on merits and dispose it of as expeditiously as possible. Till such time, status quo order passed by this Court on 10th April, 2019 will continue.

5. The writ appeal is disposed of in the above terms. An urgent certified copy of this order be issued as per rules.



(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge

AK Pradhan