

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.78 of 2017

Purna Chandra Chhotaray

....

Appellant

M/s. B. Das, Advocate & Associates

-versus-

State of Orissa and others

....

Respondents

Mr. Debakanta Mohanty

Additional Government Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

17.10.2022

Order No.

02.

1. The challenge in the present writ appeal is to an order dated 7th March 2017, passed by the learned Single Judge disposing of the W.P.(C) No.1770 of 2017 filed by the present Appellant.

2. In the said writ petition, the Appellant had challenged an order dated 10th October 2013, passed by the Director of Estate, Bhubaneswar in Appeal Case No.28/13(L) rejecting the challenge to an order dated 27th May, 2013 of the Estate Officer requiring the Appellant to vacate the Government quarter.

3. The learned Single Judge, after noting the pleas of the present Appellant, has come to the conclusion that the Appellant has been illegally occupying the disputed site since 2013 without there being any order in his favour. However, since he continued to be in occupation, the learned Single Judge granted him the indulgence of vacating the disputed site within a period of one month from the

date of the order of the learned Single Judge subject to the Appellant filing an undertaking before the competent authority within seven days.

4. The Appellant did not file any such undertaking. In the five years of pendency of the present appeal, there has been no interim order.

5. Meanwhile, the Appellant has expired. From the submissions made by learned counsel appearing for the Appellant, it appears that his family is still in occupation of the disputed site. This is clearly untenable in law, particularly, since there has been no stay of the impugned order of the learned single Judge.

6. Be that as it may, it appears that a civil suit had been filed by the Appellant even during the pendency of the eviction proceedings before the Estate Officer. Apparently, the Appellant has set up a claim on a Government property on the basis of adverse possession.

7. With there being no merit in the present writ appeal, the Court is not inclined to interfere with the impugned order of the learned Single Judge. The appeal is accordingly dismissed but in the circumstances with no order as to costs.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge