

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5759 OF 2019

Dillip Kumar Naik

Petitioner

Mr. Sidhartha Swain, Advocate

-versus-

Union of India and others

.... Opp. Parties

Mr. P.K. Parhi,

Assistant Solicitor General

Mr. B.K. Padhi,

Central Government Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

10.05.2022

Order No.

- 4.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition seeks to assail the notice dated 26th September, 2018 (Annexure-3) issued by the Deputy Inspector General of Police, Central Reserve Police Force (CRPF)-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar- Opposite Party No.2, whereby he directed to vacate Quarters No.15 Type-A/Spl., Block-3, Group Centre, CRPF, Bhubaneswar within a period of fifteen days.
 3. Mr. Swain, learned counsel for the Petitioner submits that when the Petitioner was posted at Bhubaneswar during 2008, he was allotted with an official Quarters No.15 Type-A/Spl. Subsequently, he was transferred to Jammu and Kashmir. In view of the guidelines issued by the Head Office of CRPF, he is entitled to retain the Quarters since he was posted in Jammu and Kashmir or in LWE area. Hence, the Petitioner is entitled to occupy the said Quarters till his continuance in Jammu and Kashmir or in LWE

area. Without considering the same, the impugned notice under Annexure-3 has been issued directing the Petitioner to vacate the Quarters within a period of fifteen days.

4. Considering such submission, this Court vide order dated 12th March, 2019 directed that there shall be status quo in respect of the quarter involving the Petitioner till the next date.

5. In course of hearing, Mr. Swain, learned counsel for the Petitioner submits that in the meantime, some developments have taken place and interest of justice will be best served, if the Petitioner submits a comprehensive representation to the Opposite Party No.2 for consideration. He further prays that till disposal of the representation, his continuance in the Quarters No.15 Type-A/Spl. may not be disturbed.

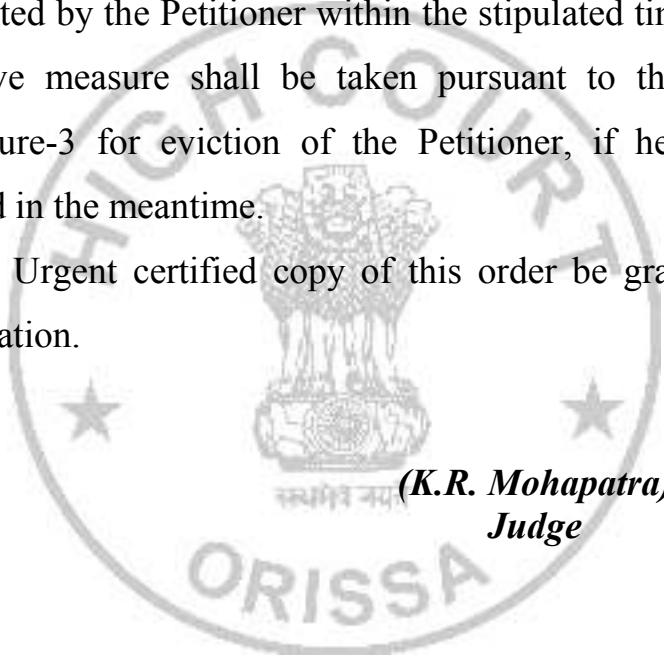
6. Mr. Parhi, learned ASG appearing for the CRPF contended that the Petitioner is not entitled to occupy the said Quarters beyond seven years of his posting either in Jammu and Kashmir or in LWE area. Due to his unauthorized occupation, he was issued with the notice of vacation, which was not complied with. Hence, finding no other alternative, notice under Annexure-3 has been issued. He, therefore, submits that the writ petition merits no consideration and is liable to be dismissed.

7. Taking into consideration the rival contentions of the parties, this Court is of the considered view that since the Petitioner is in occupation of Government Family Quarters and due to the developments interregnum, he intends to submit a grievance petition before the Opposite Party No.2, an opportunity in that regard should be given to the Petitioner.

8. Accordingly, this writ petition is disposed of with a direction that in the event the Petitioner submits a comprehensive representation before the Deputy Inspector General of Police, Central Reserve Police Force (CRPF)-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.2 within a period of three weeks hence along with certified copy of this order, the same shall be considered in accordance with law as expeditiously as possible, preferably within a period of one month therefrom.

9. Till a decision is taken on the grievance petition, if submitted by the Petitioner within the stipulated time as above, no coercive measure shall be taken pursuant to the notice under Annexure-3 for eviction of the Petitioner, if he has not been evicted in the meantime.

Urgent certified copy of this order be granted on proper application.

The seal of the High Court of Orissa is a circular emblem. It features the Ashoka Lion Capital in the center, flanked by two stars. The text 'HIGH COURT' is at the top, 'ORISSA' is at the bottom, and 'सत्यमेव जयते' is written in Devanagari script below the lion capital.
(K.R. Mohapatra)
Judge

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