

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7347 of 2022

Bijay Kumar Behera & Ors.

....

Petitioner(s)

Mr. A.P. Bose,
Advocate

-versus-

***Collector-cum-D.M., Cuttack &
Ors.***

....

Opposite Party(s)

Mr. U.K. Sahoo,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
22.03.2022**

Order No.

01.

1. There is serious allegation that the Cuttack Municipal Corporation is undertaking a demolition process involving the Petitioners without following due process of law. Through the pleadings made in the writ petition and the documents appended thereto, an attempt has been made by the learned counsel for Petitioners to establish the right of the Petitioners over the disputed property in question. Petitioners have also filed the record of rights in proof of the same.

2. Considering the submission made by the learned counsel for Petitioners and finding the allegation of the Petitioners to be a genuine one, this Court directs, in the event there is no following of due process of law involving the demolition aspect, there should not be any demolition involving the disputed property of the Petitioners. It is also clarified that in the event there is any encroachment of the

public property, it would be open to the Cuttack Municipal Corporation to enter into a measurement process involving the parties concerned and thereafter proceed accordingly.

3. The writ petition stands disposed of.

(Biswanath Rath)
Judge

Ayaskanta Jena

