

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 10021 of 2012

Jitendra Kishore Jagadev

....

Petitioner

Mr. A.P. Bose, Advocate

-versus-

Union of India and another

.... ***Opposite Parties***

Mr. P.K. Parhi, ASGI

Along with Mr. B.K. Pardhi, CGC

Mr. Ishwar Mohanty, ASC

CORAM:

THE CHIEF JUSTICE

JUSTICE R. K. PATTANAİK

ORDER

05.07.2022

Order No.

10.

1. The Petitioner has approached this Court against the impending forceful eviction of the Petitioner by the Railways from Plot No.1244 under Khata No.450 (the land in question) on the ground that no notice has been issued to him although the Sabik ROR stands in favour of the Railways. He claims that he has been in possession pursuant to a valid conveyance from his vendor under an Unregistered Sale Deed, copy of which has been enclosed as Annexure-3.

2. Be that as it may, it is seen that while directing the State Counsel to obtain instructions on 19th June 2012, this Court had directed the Railways not to evict the Petitioner from the land in question. Subsequently, on 27th September 2012, notice was issued to the Opposite Parties and that interim order has continued. Despite a

decade having been passed, no counter affidavit has been filed to contradict any of the averments in the petition.

3. Today, Mr. P.K. Parhi, learned Assistant Solicitor General for the Railways states that he does not even have the paper books with him. Since the Petitioner is praying for limited relief at this stage, it is directed that the Railways will issue a proper notice to him if it seeks to evict the Petitioner. Such notice to be served on him not later than 22nd August, 2022 giving him time to reply to the notice and giving him an opportunity of being heard. The order thereon should be passed not later than 10th October, 2022. Till such time, the interim order passed by this Court on 19th June, 2012 will continue. The Court clarifies that it has not expressed any view on merits. If aggrieved by the order passed, it will be open to the Petitioner to seek appropriate remedies in accordance with law.

4. The writ petition is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

S. Behera