

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8436 of 2022

Bishnu Charan Nayak

....

Petitioner(s)

Mr. B. Bhuyan,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Ghose,
Addl. Standing Counsel

CORAM:

JUSTICE BISWANATH RATH

ORDER

04.04.2022

Order No.

01.

1. In filing this writ petition Mr. Bhuyan, learned counsel for the Petitioner claims that the Petitioner is already in enjoyment of a decree in disposal of the T.S. No.620 of 1999-I by the Civil Judge (Sr. Divn.), Bhubaneswar involving the very same disputed land already involved in the demolition drive initiated through mike announcement. A statement is made that this decree has not been challenged. It is submitted that for a civil court decree involving the Petitioner's mother, the Petitioner is in enjoyment of the suit property, further in spite of such development the Municipal Corporation with the help of the local Police is undertaking a demolition drive involving the very same property through mike announcement and the right of the Petitioner should be protected.

2. Considering the submissions made by the learned counsel for Petitioner and keeping in view the allegation that the eviction drive is going on through mike announcement only, this Court directs, in the

event there is no eviction drive as of now involving the disputed property in question and further in the event the Petitioner has not faced any such eviction proceeding as yet, there should not be eviction of the Petitioner in respect of the disputed property at Mouza-Gadakana, Khata No.1076, Plot No.4046 (Part) area Ac.0.97 dec. out of total area Ac.8.50 dec. under Bhubaneswar Tahasil, P.S. New Capital, At./P.O.-Mancheswar, Khurda without following due process of law.

3. The writ petition stands disposed of with the above direction.

(Biswanath Rath)
Judge

Ayaskanta Jena

