

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 10704 OF 2012**

***Ajay Kumar Gumansingh***

***Petitioner***

Mr. Biren S. Tripathy, Advocate

*-versus-*

***The Inspector General of Police and  
others***

***.... Opp. Parties***

Mr. P.K. Parhi,  
Assistant Solicitor General  
Mr. B.B. Padhi,  
Central Government Counsel

**CORAM:  
JUSTICE K.R. MOHAPATRA**

**ORDER  
22.04.2022**

**Order No.**

10. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the notice dated 21<sup>st</sup> May, 2012 (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.186 Type-II within a period of fifteen days.
3. Mr. Tripathy, learned counsel for the Petitioner submits that when the Petitioner was posted at Bhubaneswar, he was allotted with an official Quarter No.186 Type-II. Subsequently, he was transferred on promotion as Havildar to Midnapur in West Bengal. During 2005 while working as such, he was again transferred to Chattisgarh and thereafter to Jammu and Kashmir from the year 2007 and 2012, respectively. Lastly, he was again transferred to Bhanjanagar in the State of Odisha on 1<sup>st</sup> May, 2012 and deployed at Gajalbari in the district of Ganjam, which is

coming under Left Wing Extremism (LWE) area. In view of the guide lines issued by the Head Officer of CRPF, he is entitled to retain the Quarters since he was posted to LWE area. Hence, the Petitioner is entitled to occupy the said Quarters till his continuance 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 26<sup>th</sup> June, 2012 directed that status quo as on that date should be maintained by the parties till the next date and the said order is still continuing.

5. In course of hearing, Mr. Tripathy, 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 Quarter No.186 Type-II may not be disturbed.

6. Mr. Parhi, learned Assistant Solicitor General appearing for the CRPF contended that the Petitioner is not entitled to occupy the said Quarters beyond seven years of his posting 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.

6. Taking into consideration the rival contentions of the parties, this Court is of the considered view that since the

Petitioner is in occupation of official accommodation and due to the developments interregnum, he intends to submit the grievance petition before the Opposite Party No.2, an opportunity in that regard should be given to the Petitioner.

7. 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 two 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.

8. 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.

**(K.R. Mohapatra)**  
**Judge**

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