

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.10141 OF 2022

Parbati Srichandan

....

Petitioner

Mr.K.K.Rout, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.R.P.Mahapatra, AGA

Mr.D.Mohapatra, Adv. for O.Ps.2 & 3

CORAM:

JUSTICE BISWANATH RATH

Order
No.

ORDER
29.4.2022

3.

1. Heard learned counsel for the Parties.
2. To the allegation of the Petitioner in the pending of the proceeding, vide Annexure-3, there is undertaking of exercise of demolition from the own portion of the Petitioner. Matter was adjourned on the previous date asking Mr.D.Mohapatra, learned counsel for the Development Authority to seek instruction if there is any attempt of eviction of the Petitioner in the pending of her case at some stage. On instruction and production of official documents, Mr.D.Mohapatra, learned counsel for the Development Authority submits that so far as the Government land in Annexure-3 is concerned, the Petitioner has already taken away her materials and cleared the area and there cannot be any issue involving the Government land as the Petitioner has no right over such property.

So far as the exercise of power involving the private property of the Petitioner, it is stated by Mr.Mohapatra, learned counsel for the Development Authority that since the land is required for road construction purpose and involved a public purpose, there is some development through the Government in the Department of Housing & Urban Development. As a consequence, there is requisition, vide Communication dated 4.1.2022 for provision of fund to proceed to acquire personal land of the Petitioner in following the process of law. Mr.Rout, learned counsel for the Petitioner though did not refuse on the attempt of Development Authority to acquire the land of the Petitioner under land acquisition process on due payment but submitted that he has no instruction as to if the Petitioner has already vacated the unauthorised encroached portion to facilitate road provision.

3. Considering the statement of Mr.Mohapatra, learned counsel for the Development Authority that unless the Government provides fund, there is no question of affecting the right, title and interest of the Petitioner over her own land, this Court finds through the letter to the Petitioner dated 16.8.2021, in the proceeding dated 27.8.2021 the Petitioner even agreed to give up the personal land involved subject to providing her appropriate cost. There is also material available through Record that the Petitioner is also sincerely

appearing on each proceeding involving such property. In the circumstance, this Court finds, there is no danger to the Petitioner's property at this point of time. Nothing survives to be adjudicated in the Writ Petition, which is accordingly dismissed.

(Biswanath Rath)
Judge

M.K.Rout

