

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.10416 of 2022

Tilottama Parida & Anr.

....

Petitioner(s)
Mr.D.P.Dash,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)
Mr.U.K.Sahoo,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
27.04.2022

Order No.

01.

1. Heard the submissions of the parties.
2. In the first round of litigation it appears, for moving of W.P.(C) No.5003 of 2022 this Court in disposal of same passed the following orders.

“Heard learned counsel for the Parties.

Since the Application at Annexure-5 is pending on the selfsame ground, in the event of pendency of such Application, the Executive Officer, Municipal Council, Nayagarh is directed to consider the case of the Petitioner involved herein also keeping in view the provision of the Odisha Land Rights to Slum Dwellers Act, 2017 at least completing the entire exercise within a period of two months from the date of communication of this order by the Petitioner. In the event the Petitioner is still in occupation of the disputed land and it is not required for any other public purpose, she may not be disturbed for two months.”

With the above order, the Writ Petition stands disposed of.

3. In this writ application bringing through at Annexure-9, it is alleged while the claim of the petitioners under Odisha Land Rights to Slum Dwellers Act, 2017 is still pending, in the meantime in another

development the Nayagarh Municipality is attempting to evict the petitioners by undertaking the exercise of demolition through Annexure-9. Through Annexure-9, the petitioners have been directed to clear the disputed premises within seven days of the notice.

4. Mr.Dash, learned counsel for the petitioners alleged that the claim of the petitioner requires to be considered under the Act, 2017 and pending before another authority the Municipality should not involve in demolition or eviction issues involving the very same petitioners.

5. Considering the claim of Mr. Dash, learned counsel for the petitioner this Court finds, in fact in the disposal of W.P.(C) No.5003 of 2022, this Court has already directed the Competent Authority, the Collector to consider such case of the petitioner under the provision of Act, 2017 and till such decision is taken, they may not be disturbed though it was directed for two months time.

6. Considering the submission of Mr. Dash, learned counsel for the petitioner there is no decision involving the petitioner under the Act, 2017 as of now, this Court disposing the writ petition observes while permitting the petitioner to submit objection to the notice under Annexure-9 directs the Municipal Authority, in the event there is no decision involving petitioners under Act, 2017 at least not to take coercive action till such decision is taken. In the meantime the proceeding under the Provision of Act, 2017 is directed to be finalized at least within a further period of one and half month.

7. A free copy of this order be supplied to Mr.Sahoo, learned Additional Standing Counsel.

(Biswanath Rath)
Judge