

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10574 of 2022

Keshab Chandra Behera & others Petitioners
Mr. P.R. Mishra, Advocate & Associates

-Versus-

State of Odisha & others Opposite Parties
Mr. P.K.Rout, AGA

CORAM:
JUSTICE R.K.PATTANAIK

Order No. ORDER
01.12.2023
I.A. No. 2507 of 2023

- 08.
1. Heard Mr. Mishra, learned counsel for the petitioners, Mr. Pradhan learned counsel for opposite party Nos. 6 to 9 & 11 and Mr. Rout, learned AGA for the State.
 2. Instant I.A is filed by the private opposite parties except opposite party No. 10 seeking recall of the Court's order dated 27th June, 2022 passed in W.P. (C) No. 10574 of 2022 on the grounds stated therein.
 3. Mr. Pradhan, learned counsel for opposite party Nos. 6 to 9 & 11 submits that the writ petition was disposed of at the stage of admission without any scope for appearance and reply and in so far as, notice dated 8th September, 2022 is concerned, it has been issued almost two months after the disposal of the matter by this Court and therefore, in the interest of justice, to provide them an opportunity of hearing and to file a reply on the same, the order dated 27th June, 2022 is required to be recalled.

4. In fact, an affidavit is filed by opposite party Nos. 6, 7, 8, 9 & 11 which is accepted and taken on record.

5. It is contended by Mr. Pradhan, learned counsel for the above opposite parties that the petitioners are landless persons and belong to Schedule Caste community and hence, eligible for settlement and in the meantime, have constructed pucca houses over the encroached land being the beneficiaries under the PMGAY/ BPHY Scheme and in that respect, the applications to be still pending before the Tahasildar, Bari.

6. Recorded the submission of Mr. Rout, learned AGA for the State.

7. Since the writ petition was disposed of on 27th June, 2022 W.P. (C) No. 10574 of 2022, the same is hereby recalled with a direction to opposite party No.4 to consider such reply/show cause of the opposite parties and providing opportunity of hearing to both the sides including the petitioners to ensure disposal of the proceeding in connection with Encroachment Case Nos. 3, 4,5,6,7, & 8 of 2018 at the earliest preferably within eight weeks from the date of receipt of a copy of this order.

8. Consequently, the I.A. stands disposed of.

9. A certified copy of this order be issued as per rules.

(R.K.Pattanaik)
Judge