

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 10929 OF 2022

Bijayalaxmi Mohanty

Petitioner

Mr. Kishore Kumar Mishra, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Sarojananda Mishra,
Additional Government Advocate

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

**ORDER
29.04.2022**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. This matter was not there in today's cause list. On being mentioned by Mr. Mishra, learned counsel for the Petitioner and taking into consideration the urgency in the matter, the same is taken up by a Special cause List.
3. The Petitioner in this writ petition seeks to assail the letter No.1848 dated 25th April, 2022 (Annexure-3) issued by the Rent Officer, G.A. & P.G. Department, Bhubaneswar, whereby she has been instructed to vacate the Quarters No.IV N-3, Unit-IV, Bhubaneswar immediately failing which eviction shall be carried out at any time without further notice.
4. Mr. Mishra, learned counsel for the Petitioner submits that the Petitioner had also moved this Court in W.P.(C) No.6311 of 2022, which was disposed of on 6th April, 2022 with the following direction:

"Accordingly, this writ petition is disposed of with a direction that in the event the Petitioner accepts the allotment of Qrs. No.41, Type-2RA in Unit-II, Bhubaneswar by completing all

paper works at Rent Office, within a period of two weeks hence, necessary repairing of the quarters shall be completed for a decent living of a Government employee at par with other similar nature of Government quarters within a period of three months thereafter.

Till Qrs.No.41, Type-2RA in Unit-II, Bhubaneswar is made ready, subject to acceptance of the said allotment by the Petitioner within the stipulated period, as stated above, no coercive measure shall be taken against the Petitioner for her eviction from Qrs.No.IV-N-3 in Unit-IV, Bhubaneswar”

Accordingly, the Petitioner submitted her representation on 18th April, 2022 under Annexure-2 expressing her willingness to accept the allotment of Quarters No.41, Type-2RA at Unit-II, Bhubaneswar. In spite of the same, letter under Annexure-3 has been issued.

5. It is his submission that although the Petitioner has not properly stated about acceptance of Quarters No. 41, Type-2RA at Unit-II, Bhubaneswar under Annexure-2, but the Petitioner had, in fact, given her consent for acceptance of allotment of the said Quarters. The Authorities without repairing the said Quarters, which is not in a habitable condition, issued the letter under Annexure-3 for eviction of the Petitioner.

6. In that view of the matter, the impugned letter under Annexure-3 is not sustainable and is liable to be set aside. The Authorities by accepting the consent given by the Petitioner for allotment of Quarters No. 41, Type-2RA at Unit-II, Bhubaneswar, as under Annexure-2 may repair the same and till repairing is completed, she should not be evicted from the Quarters No.IV N-3, Unit-IV, Bhubaneswar.

7. Mr. Mishra, learned Additional Government Advocate vehemently objected to the submission of Mr. Mishra, learned

counsel for the Petitioner. It is his contention that since the Petitioner has not complied with the direction of this Court in W.P.(C) No.6311 of 2022, she is not entitled to any relief of equity in this writ petition. Further, due to non-compliance of the order of this Court, the Quarters in occupation of the Petitioner could not be demolished for construction of Multistoried Apartment for accommodation of MLAs and Government employees. Hence, she should vacate the Quarters immediately. As such, this writ petition being devoid of any merit is liable to be dismissed.

8. On perusal of Annexure-2, it appears that the Petitioner stated to have complied with the order of this Court stating as under:

“To give respect to the order of Hon’ble High Court of Orissa I may take the possession of 2RA-41, if IV-N-64 will not be vacated within fifteen days from today. I am also eligible to get the IV-N-64.”

9. The aforesaid statement made by the Petitioner under Annexure-2 can never be said to be compliance of the direction made by this Court in W.P.(C) No.6311 of 2022. There is no material on record to show that the Petitioner had, in fact, approached the Rent Officer, G.A. & P.G. Department, Government of Odisha, Bhubaneswar-Opposite Party No.3 to comply with the direction of this Court in earlier writ petition. Hence, the Authority committed no error in issuing the letter under Annexure-3. As such, I find no infirmity in the impugned letter under Annexure-3.

10. However, taking into consideration the submission of Mr. Mishra, learned counsel for the Petitioner, she shall be given time

till 13th May, 2022 to vacate the Quarters No. IV N-3, Unit-IV, Bhubaneswar failing which the Authority will be at liberty to implement the letter under Annexure-3.

11. This writ petition is disposed of accordingly.

12. A copy of this order shall be supplied to Mr. Mishra, learned Additional Government Advocate for communication and compliance.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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