

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11230 of 2022

Suratha Mahananda

....

Petitioner(s)

Mr. S.K. Nanda,
Advocate

-versus-

Sonepur Municipality

....

Opposite Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

02.05.2022

Order No.

01.

1. This matter was not in today's list. On being mentioned in the first hour, this matter is taken up through special notice.

2. Referring to the direction of this Court in W.P.(C) No.9632 of 2013 as appearing at page 21 of the brief, Mr. Nanda, learned counsel for the Petitioner submitted that there is already stay operation of the order of eviction passed by the Tahasildar since 01.05.2013 and presently the Petitioner has a pending application for extension of the interim order in this Court. It is also submitted that in the meantime the Petitioner has undertaken the exercise of civil suit and in another development in an attempt to disturb the possessory right of the Petitioner, the Municipal Council issued notice to show cause on 26.04.2022 asking the Petitioner to file show cause within 48 hours of receipt of such notice, as to why he shall not be evicted. Learned counsel for the Petitioner alleged that in spite of submission of response to the show cause notice dated 21.06.2022 within 48 hours as available at page 33, the Municipal Authority with a group of person have attempted to evict the Petitioner from the disputed property in

question also with an attempt to demolish the structure standing thereon. It is submitted that there has been no demolition of the structure as of now.

3. Considering the submission made by the learned counsel for Petitioner and finding urgency involved in the writ petition, this Court in disposal of the writ petition observes, in the event no decision has been taken and communicated to the Petitioner involving the show cause notice dated 26.04.2022, there should not be any demolition in absence of a decision on the notice asking to show cause. This Court further also observes, in the event no final outcome is there involving the show cause notice at Annexure-7, decision as appropriate shall be taken by the competent authority not only taking into account the objection of the Petitioner at page 33 of the brief but also providing opportunity to the Petitioner and also keeping in view the development through W.P.(C) No.9632 of 2013.

4. Petitioner is directed to serve a copy of this order along with a copy of the writ petition on the competent authority by Friday(6th May, 2022). Petitioner is also permitted to file an affidavit indicating the direction of this Court before the competent authority.

5. The writ petition stands disposed of with the above direction.

(Biswanath Rath)
Judge