

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14791 of 2015

Bijaya Kumar Behera and Others* *Petitioners

Mr. Prasanta Kumar Sahoo, Advocate

-versus-

State of Odisha and Others* ... *Opposite Parties

Mr. Debakanta Mohanty, Addl. Govt. Advocate
Mr. Pradipta Kumar Mohanty, Senior Advocate (CMC)

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
24.08.2022**

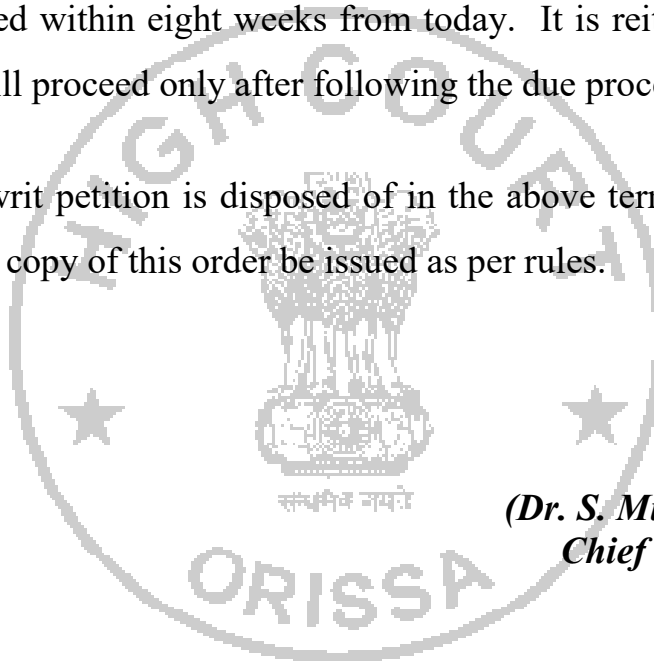
Order No.

08. 1. The prayer in the present petition is for a direction to the Cuttack Municipal Corporation (CMC) to cause an enquiry and take steps to remove the unauthorized and illegal encroachments on the CMC's land in Khata No.118, Plot No.255 area Ac 0.029 decimals in Mouza Cuttack Sahar, Unit No.36 Rajabagicha of Cuttack Town.
2. By an order dated 2nd January, 2017 this Court allowed an application filed by the Petitioner and impleaded Opposite Party Nos.6 and 7 to the writ petition. Subsequently, on 7th September, 2017 notice was directed to be issued to Opposite Party Nos.4 to 7. Although Opposite Party Nos.4 to 7 have been served and have been represented by the counsel, today none appears on their

behalf. There is also no counter affidavit filed by any of those Opposite Parties or even by the State.

3. In the circumstances, a direction is issued to the CMC to enquire into the matter and follow the due process of law. If it is found that there is any encroachment in the aforementioned Plot No.255 in Khata No.118, Mouza Cuttack Sahar, Unit 36 Raja Bagicha then under intimation to the present Petitioner and after notice to the alleged encroachers further steps be initiated. The said exercise be completed within eight weeks from today. It is reiterated that the CMC will proceed only after following the due procedure of law.

4. The writ petition is disposed of in the above terms. An urgent certified copy of this order be issued as per rules.



(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.