

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.10740 Of 2018
(Through hybrid mode)**

Sujata Swain

....

Petitioner

Mr. P.K. Mishra, Advocate

-versus-

Mahanadi Coalfield Ltd. and others

Opposite parties

Mr. R. Tripathy,
ASC

Mr. D. Mohanty,
Advocate

CORAM: JUSTICE ARINDAM SINHA

**Order
No.**

**ORDER
09.02.2022**

6. 1. Mr. Mishra, learned advocate appears on behalf of petitioner and draws attention to orders dated 2nd December, 2021 and 4th January, 2022. Texts of said orders are reproduced below.

Order dated 2nd December, 2021

“1. Mr. Mishra, learned advocate appears on behalf of petitioner and submits, his client was abandoned by her husband. There is a child. She, to maintain herself, applied for a shop room from opposite party- Mahanadi Coal Fields Ltd. Shop no.2 was allotted to her. She complied with requisites including payment of security deposit and

licence fee. However, she was not given possession but her allotment cancelled on plea that one Upendra Muduli is in forcible occupation of the shop.

2. Mr. Mohanty, learned advocate appears on behalf of Mahanadi Coal Fields Ltd. and on query from Court submits, it is not because his client wants to regularize possession of the shop room by Upendra Muduli but it is unable to hand over the shop room to petitioner. This inability is reason for cancellation.

3. Upendra Muduli at shop no.2 in Shopping Coutee, Bharatpur Colony and State are added as parties. The amendment be made in Court. Petitioner will serve copy of the petition along with this order on State. State is to inform Court regarding whether it is also unable to address the situation, to assist Mahanadi Coal Fields Ltd. in giving allotment of shops built by it, in accordance with law.

4. List on 16th December, 2021.”

Order dated 4th January, 2022

“1. Mr. Mishra, learned advocate appears on behalf of petitioner and submits, direction upon his client in order dated 2nd December, 2021 has been complied with.

2. *Learned advocates for MCL and State are represented.*

3 *Paragraph 3 in said order dated 2nd December, 2021 is reproduced below:-*

“3. Upendra Muduli at shop no.2 in Shopping Coutee, Bharatpur Colony and State are added as parties. The amendment be made in Court. Petitioner will serve copy of the petition along with this order on State. State is to inform Court regarding whether it is also unable to address the situation, to assist Mahanadi Coal Fields Ltd. in giving allotment of shops built by it, in accordance with law.”

4. *Petitioner is granted leave to cause the amendment in Court, to be countersigned by Court Master.*

5. *Issue notice along with copy of this order on added opposite party no.4. Petitioner will put in requisites.*

6. *List on 18th January, 2022.*

2. Postal article addressed to added opposite party no4, said to be occupying shop no.2, has been returned with endorsement addressee left.

3. There is no impediment now for Mahanadi Coalfields Ltd. to give possession of shop no.2 to petitioner. State will assist Mahanadi Coalfields Ltd. to cause handing over of the shop room to petitioner. For the purpose, State will take all steps necessary to secure the shop and enable Mahanadi Coalfields Ltd. to deliver possession of it to petitioner in terms of the allotment given to her. State is at liberty to comply through local PS. Possession of allotted shop is to be given to petitioner within two weeks from date.

4. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

