

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13995 of 2022

Dhusasan Rautray

....

Petitioner

Ms. Kananbala Roy Choudhury, Advocate

-versus-

State of Odisha & Another

....

Opposite Parties

Mr. A.K.Sharma, A.G.A.

**CORAM:
JUSTICE S. K. SAHOO
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
02.06.2022**

**Order
No**

W.P.(C) No.13995 of 2022 & I.A. No.7431 of 2022

1.

1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the Petitioner.

3. The Writ Petition has been filed with the following prayer:-

“In the facts and under the circumstances stated above, the Hon’ble Court would graciously be pleased to allow this Writ Application and issue;

(a) Rule Nisi calling upon the Opposite Parties as to why the impugned unauthorized action of the O.P. demolishing the residential house at sthitiban property of the petitioner vide Plot No.4851/1989, Mouza-Dumduma, Dist-Khordha without any NOTICE/INTIMATION shall not be declared illegal being arbitrary and in violation of Natural Justice as well as the Constitution of India

(b) And if they fail to show cause or show insufficient cause make the Rule absolute.

(c) A WRIT in the nature of Mandamus restraining the Opp. Parties from proceeding against the petitioner during pendency of the WRIT petition.

(d) Issue any appropriate Writ(s)/Direction(s)/Order(s)

deemed fit in the fact and circumstances of the case.

And for which act of your kindness, the petitioner as in duty bound shall remain every pray.”

4. Taking into account the nature of claim made in the Writ Petition and the prayer made by the learned counsel for the Petitioner, the Petitioner is permitted to make a fresh representation before Opp. Party No.2 within a period of one week from today.

5. It is observed that if such a representation is filed by the Petitioner ventilating his grievances, the same shall be considered by Opp. party No.2 in accordance with law, after giving reasonable opportunity of hearing to the petitioner, within a period of the two weeks from the date of filing of such representation. The order so passed by Opp. Party No.2 be communicated to the Petitioner within that time.

6. Till a decision is taken on the representation of the Petitioner, no coercive action shall be taken against the Petitioner.

7. With the aforesaid observation and direction, the Writ Petition and I.A stands disposed of.

S.K. Sahoo
(Vacation Judge)

Biraja Prasanna Satapathy
(Vacation Judge)

