

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14359 of 2022

Susama Mohanty

.....

Petitioner

Mr. Deepak Kumar Sahoo, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Pusparaj Bharadwaj,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

10.06.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Though this matter was not listed today, on being mentioned, the same is taken up through Special List.
3. Petitioner in this writ petition seeks to assail the notice / letter No.2477 dated 21st May, 2022 (Annexure-1) issued by Executive Officer, Kendrapara Municipality-Opposite Party No.4, wherein the Petitioner has been directed to remove the alleged encroachment over Plot No.112 under Khata No.250 situated under Ward No.5 of Kendrapara Municipality (for short, 'the case land').
4. Mr. Sahoo, learned counsel for the Petitioner submits that the Petitioner has constructed his residential house over the recorded land and she has not encroached any portion of the case land, as alleged in the notice. In that regard, he has also made a representation to Opposite Party Nos.1, 2 and 4 on 1st

June, 2022 under Annexure-3 series. However, without considering such representations, the Opposite Party No.4 as well as Tahasildar, Kendrapara are contemplating to demolish the residential house of the Petitioner for which the Petitioner finding no other alternative has approached this Court.

5. Mr. Bharadwaj, learned ASC submits that he has no instruction in the matter. Since it is stated that the representations of the Petitioner are pending before the Executive Officer, Kendrapara Municipality, a direction may be made for consideration of the same in accordance with law.

6. Taking into consideration the submissions of learned counsel for the parties, this Court without expressing any opinion on merit of the case of the Petitioner, disposes of the writ petition, Kendrapara Municipality to dispose of the representation of the Petitioner dated 1st June, 2022, as expeditiously as possible, preferably within a period of three weeks from the date of production of certified copy of this order, which is undertaken to be produced by 14th June, 2022. Till disposal of such representation, if the same is still pending and the certified copy of this order is filed within the time stipulated above, no coercive measure shall be taken to demolish the house of the Petitioner.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Vacation Judge