

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 14505 OF 2022

Shantilata Das

..... Petitioner

Mr. Amitav Das, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. S.N. Das,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE M.S. RAMAN

ORDER

13.06.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Executive Officer, Balasore Municipality-Opposite Party No.4 to renew the rent agreement dated 20th November, 2000 executed between the Petitioner and Opposite Party No.4.
3. Mr. Das, learned counsel submits that the Petitioner being the highest bidder has taken the Municipality Guest House on rent from Balasore Municipality with effect from 1st May, 1997. An agreement was also executed to that effect on 20th November, 2000. The rent agreement was valid till 30th April, 2022. Before expiry of the period of agreement, the Petitioner made an application for renewal of the agreement as per Clause-22 of the said agreement on 17th January, 2022. The Petitioner in order to show her bona fide and with an expectation that her application shall be considered favourably offered to deposit rent at a higher rate as per Clause-33 of the said agreement under Annexure-4. Without accepting the same, the Executive Officer, Balasore Municipality issued notice

No. 3898 dated 26th May, 2022 (Annexure-3) directing the Petitioner to vacate the premises by 7th June, 2022. It is his submission that the application for renewal of rent agreement is still pending with the authority and no decision has yet been taken on the same. There is no allegation of mismanagement of the guest house against the Petitioner by Balasore Municipality. The Petitioner fulfills all requirements for renewal of the agreement. But, without considering the same, notice under Annexure-3 has been issued for which the Petitioner is highly prejudiced. Hence, finding no other alternative, the Petitioner has filed this writ petition for redressal of her grievances, as aforesaid.

4. Mr. Das, learned Additional Standing Counsel submits that the grievance of the Petitioner can be considered by the Executive Officer, Balasore Municipality, if a comprehensive representation is made to that effect.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction that in the event the Petitioner makes a comprehensive representation to the Executive Officer, Balasore Municipality-Opposite Party No.4 within a period of seven days hence along with certified copy of this order, the same shall be considered in accordance with law as expeditiously as possible preferably within a period of four weeks therefrom, giving opportunity of hearing to the Petitioner and the result thereof shall be communicated to her within the aforesaid period. Till disposal of such representation, if filed within the stipulated period, as aforesaid, no coercive measure shall be taken for eviction of the

Petitioner from Municipality Guest House in question, if she has not yet been evicted.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Vacation Judge

(M.S. Raman)
Vacation Judge

bks

