

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 16356 of 2022

Kedar Swain

....

Petitioner

Mr. Bibhudanada Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. U.K. Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

13.07.2022

Order No.

01. 1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. The writ petition involves the following prayer:

‘It is therefore prayed that Your Lordships be graciously pleased to issue notice to the opp. Parties, calling for the show-cause as deem necessary and after hearing the parties, allow the same, by quashing the impugned eviction notice dated 22.04.2022 under Annexure-3 issued by the Sarapanch, Dhumuchhai Grama Panchayat, Dhumuchhai.

Alternatively this Hon’ble Court may be directed the opp. parties more particularly opp. party No.5 to impose any new reasonable terms and conditions for continuing the business of the petitioner in said show room.

And may further be pleased to pass any other order(s)/direction(s) as this Hon’ble Court deem fit and proper in the facts and circumstances of the case.

And for the said act of kindness, the petitioner shall as in duty bound ever pray.”

3. It appears that pursuant to notice issued by the Sarpanch, Dhumuchhai Grama Panchayat, Ganjam, O.P.No.5, asking the Petitioner to vacate the shop room as there is already expiry of the lease period and in response to such notice, the Petitioner has made a request to the

Sarpanch for allowing him to continue even on payment of increasing rent of the said shop room on 27.6.2022, this Court disposes of the writ petition with an observation in the event Petitioner has not vacated the premises as of now and the Sarpanch is in receipt of request from the Petitioner which is at page-9 herein, decision as appropriate be taken on the request of the Petitioner by Opposite Party no.5 within a period of fifteen days. Petitioner may appear before the Sarpanch along with copy of the order of this Court and participate in the proceeding. It is made clear that no coercive action shall be taken against the Petitioner involving the said shop room for a period of fifteen days hence.

4. With the above direction, the writ petition stands disposed of.
5. Issue urgent certified copy as per rules.

(Biswanath Rath)
Judge

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