

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 16548 of 2022

Ved Prakash Tiwary and another ***Petitioners***
Mr. Lalit Kumar Maharana, Advocate

-versus-

Steel Authority of India Limited and ***Opp. Parties***
others

Mr. H.M.Dhal, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
06.07.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioners in this writ petition seek for a direction to set aside Notice/Letter No.527/5 dated 29th March, 2022 (Annexure-5) issued by Assistant Manager (TS)-Allot & ES, Steel Authority of India Limited, Rourkela Steel Plant, Rourkela directing the Petitioners to vacate Qrs. No.A/227, Sector-7, Rourkela within fifteen days of issue of the said letter.
3. Mr. Maharana, learned counsel for the Petitioners submitted that the father of the Petitioners was a party before the Hon'ble Supreme Court in Civil Appeal No.1835 of 2018, which involved the issue of vacation of quarters of Rourkela Steel Plant. The Civil Appeal was heard and disposed by a common order dated 12th February, 2018 by Hon'ble Supreme Court along with Civil Appeal No. 1834 of 2018 involving similar issue directing the respondents (including the father of the Petitioners) to handover vacant possession within 33 months from the date of the said order. Thereafter, some of the respondents filed Miscellaneous Application No. 1448 of 2020,

which was disposed of on 4th November, 2020, with the following direction:-

“It is therefore, directed that :

- (a) The undertakings filed by the aforesaid respondents are taken on record and they shall be bound to discharge their obligations in terms thereof.*
- (b) The aforesaid respondents who have filed their undertakings in accordance with the orders dated 04.09.2020 and 16.10.2020 passed by this Court, shall be entitled to occupy the premises in their occupation till 31.05.2021. They shall be obliged to hand over peaceful and vacant possession of said premises in their occupation by 31.05.2021 to Steel Authority of India Ltd.*
- (c) Such of the respondents who have not filed any undertakings, shall not be entitled to any further time to remain in occupation of the premises in question. Steel Authority of India Ltd. is at liberty to take such proceedings as are open to it in law to recover the possession in respect of premises in the occupation of such respondents.*

With the aforesaid directions, the M.A. is disposed of.”

4. It is submitted by Mr. Maharana, learned counsel that the father of the Petitioners was not a party to the aforesaid Miscellaneous Application and had not filed any undertaking, as aforesaid. But, in view of the observation of Hon'ble Supreme Court in paragraph-(c) of the direction in the miscellaneous application the Rourkela Steel Plant vide notice dated 29th March , 2022 (Annexure-5) called upon the Petitioners to vacate the Quarter No. A/227. Sector-7, Rourkela within 15 days, failing which action would be taken for their eviction. It is submitted by Mr. Maharana, learned counsel that this Court, in similar nature of writ petitions, one of which is W.P.(C) No.9214 of 2022 disposed of on 29th April, 2022, directed the Petitioner therein to vacate the Quarter he was occupying by 31st December, 2022 and deliver vacant

possession of the quarters to Opposite Party No.3 therein by that date. The Petitioners are ready to vacate the quarter in question by end of December, 2022, as it will take some time for them to find out a suitable accommodation and shift their belongings. He, therefore, prays for disposal of the writ petition accordingly.

5. Mr. Dhal, learned counsel for Rourkela Steel Plant submits that since the father of the Petitioners had not filed any undertaking, as aforesaid and the Petitioners have not vacated the quarter in question, they are not entitled to retain the same even for a day. Hence, there is no illegality in the notice under Annexure-5. He, therefore, prays for dismissal of the writ petition.

6. Taking into consideration the submissions of learned counsel for the parties, the order passed by Hon'ble Supreme Court in Miscellaneous Application No. 1448 of 2020 as well as order passed by this Court in W.P.(C) 9214 of 2022 and similar other writ petitions, this Court is of the considered opinion that the Petitioners have no right to retain the quarter in question. Moreover, there may be delay in evicting the Petitioners by initiating appropriate proceeding.

6.1. As the Petitioners are ready to vacate by end of December, 2022, this Court directs that if the Petitioners file an undertaking before Opposite Party No.3 within a period seven days hence along with certified copy of this order, to vacate the Qrs. No.A/227, Sector-7, Rourkela and to deliver vacant possession thereof by 31st December, 2022, they will be allowed to retain the quarters in question till 31st December, 2022.

7. With the aforesaid observation and direction, the writ petition is disposed of.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy

