

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18662 OF 2022

Durgesh Chandra Nayak ***Petitioner***

Mr. Manoj Kumar Panda, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. Suvashish Pattnaik,
Additional Government Advocate

**CORAM:
JUSTICE K.R. MOHAPATRA**

ORDER
21.10.2022

Order No.

6.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition seeks for a direction for allotment of Quarter No.56, Type-IVN, Unit-IV, Bhubaneswar in his favour, which has been allotted to Opposite Party No.4 vide letter dated 16th February, 2022 (Annexure-3).
 3. On 28th September, 2022, Mr. Pattnaik, learned Additional Government Advocate prayed for an adjournment to take instruction with regard to allotment of Quarter No.56, Type-IVN, Unit-IV, Bhubaneswar or allotment of any other encroachment free quarter to the Petitioner.
 4. On instruction, Mr. Pattnaik, learned Additional Government Advocate on 13th October, 2022 made a submission that Quarter No.2RA-8 in Unit-IX RD5 was allotted in favour of the Petitioner. But, he could not occupy the same as it was not vacant. But, Quarter No.2RA-8 in Unit-IX RD5 has been made encroachment free on 26th September, 2022. As such, the

Petitioner can take possession of the said Quarter without any difficulty by observing the formalities. Mr. Panda, learned counsel for the Petitioner, thus, prayed for an adjournment to take instruction on the same. Today, Mr. Panda, learned counsel for the Petitioner again reiterated his prayer made in the writ petition.

5. Upon hearing learned State Counsel, this Court is of the considered opinion that the Petitioner cannot have a choice for allotment of any particular quarter. Since Quarter No. 2RA-8 in Unit-IX RD5 has already been made encroached free, the Petitioner can take possession of the same observing the formalities.

6. Accordingly, this writ petition is disposed of with the aforesaid observation.

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

(K.R. Mohapatra)
Judge