

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 19319 OF 2022

Sushanta Kumar Mishra ***Petitioner***
Mr. Biren Sankar Tripathy, Advocate

-versus-

Union of India and others ***Opp. Parties***
Mr. P.K. Parhi,
Assistant Solicitor General
along with Mr. B.K. Padhi,
Central Government Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
03.08.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the notice dated 4th July, 2022 (Annexure-2) issued by the DIG-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 directing the Petitioner to vacate Quarter No.514, Type-II in Group Centre, Bhubaneswar till his posting in North East Region/LWE (Left Wing Extremists) area.
3. Mr. Tripathy, learned counsel for the Petitioner submits that the Petitioner was allotted with the quarter on 17th May, 2013 when he was serving under the LWE area. Since then, the family members of the Petitioner are residing there. He has small children who are pursuing their studies at Bhubaneswar. The notice under Annexue-2 was served on the Petitioner to vacate the said quarter. It is his submission that as per the Rule 27 of guidelines for allotment of quarter to CRPF Personnel, the Petitioner is entitled to retain the quarter, till he is posted at LWE/NE area.

4. In course of hearing, Mr. Tripathy, learned counsel submitted that the Petitioner has made a representation to the DIG-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 for redressal of his grievance and to allow him to retain the said quarter. When the matter was pending before the Authority, the notice under Annexure-2 for eviction of quarter has been issued. Hence, finding no other alternative, the Petitioner has filed this writ petition.

5. Mr. Parhi, learned Assistant Solicitor General appearing for the CRPF submits that the Petitioner is not entitled to retain the quarter as he was earlier issued with a notice to vacate the said quarter vide notice dated 31st March, 2022. He has not complied with the eviction notice issued earlier for which the notice under Annexure-2 has been issued to vacate the family quarter. Hence, this writ petition is not maintainable and is liable to be dismissed.

6. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion the merits of the case of the Petitioner disposes of the writ petition with a direction that on furnishing a fresh representation before the DIG-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 within a period of seven days hence along with certified copy of this order, he shall do well to consider the same in accordance with law as expeditiously as possible preferably within a period of one month therefrom.

7. Till disposal of such representation, if filed within the time stipulated above, no coercive action shall be taken against

the Petitioner for his eviction from Quarter No. 514, Type-II, Group Centre, Bhubaneswar.

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

(K.R. Mohapatra)
Judge

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