

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 19612 OF 2022

Samari Mali

..... Petitioner

Mr. Priya Ranjan Mishra, Advocate
on behalf of Mr. Lalit Sahoo, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

16.08.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition prays for a direction for settlement of Plot Nos.63 and 64 to an extent of Ac.0.090 decimals out of Ac.4.020 decimals under Khata No. 613 situated in mouza Indra Nagar under Bolangir Tahasil in the district of Bolangir in her favour over which she is residing by constructing her residential house.
 3. Mr. Mishra, learned counsel submits that the Petitioner is a slum dweller and is occupying the aforesaid Government land and is residing thereon by constructing her residential house. The Petitioner does not have any other property in her name. Considering the case of the Petitioner, eligibility certificate for settlement of the land in question has been issued in her favour by the Executive Officer, Bolangir Municipality under Annexure-3. Although the case of the Petitioner is pending consideration before

the Committee for settlement of the land in question, step for eviction is being taken for which she finding no other alternative has approached this Court.

4. Mr. Mishra, learned Additional Standing Counsel, on the other hand, submits that prayer of the Petitioner in her representation cannot be granted as she seeks issuance of Patta in her name in respect of the land in question. Drawing attention of this Court to Section 4 of the Odisha Land Rights to Slum Dwellers Act, 2017 (for short 'the Act'), he submits that the Petitioner cannot make any claim to settle the land she is occupying in her favour. However, since it is submitted that her application for settlement of the land in question under the Act is under consideration, the same may be decided in accordance with law.

5. Taking into consideration the rival contentions of the parties, this Court is of the considered opinion that the case of the Petitioner requires consideration by the competent authority, i.e., Urban Area Redevelopment and Rehabilitation Committee in which the Collector is the Chairman.

6. Accordingly, this writ petition is disposed of with a direction that in the event the Petitioner makes a fresh application to the Collector, Bolangir-Opposite Party No.3 enclosing relevant documents including the eligibility certificate stated to have been granted in her favour within a period of two weeks hence along with certified copy of this order, the same shall be considered by the Committee in accordance with law expeditiously. Till disposal of such application, if filed within the stipulated period above, no

coercive action for eviction of the Petitioner shall be taken, if not evicted in the meantime.

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

(K.R. Mohapatra)
Judge

bks

