

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 19795 OF 2022

Sribatsa Barik

....

Petitioner

Mr. Atul Tripathy, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.08.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the notice dated 20th July, 2022 (Annexure-5) issued by the Executive Officer, NAC, Khadial for his eviction from Plot No.1847 to an extent of Ac.0.120 decimals under Khata No.680, Kissam-Patita in mouza Khadial in the district of Nuapada.
3. Mr. Tripathy, learned counsel for the Petitioner submits that the Petitioner is in occupation of only Ac.0.02 decimals of land and has constructed his house thereon. Before issuance of notice for vacation of the land in question, the Petitioner was not given any opportunity of hearing. In that view of the matter, he prays for setting aside the impugned notice under Annexure-5 and to provide him an opportunity of hearing. He also prays for a direction to protect the Petitioner till his reply/objection is decided in accordance with law.
4. Taking into consideration the innocuous nature of prayer made by the Petitioner, this Court without expressing any opinion on the merits of the case disposes of this writ petition with a

direction that since the Petitioner has already filed his reply/objection to the impugned notice under Annexure-5 on 21st July, 2022, the same shall be considered in accordance with law as expeditiously as possible preferably within a period of fifteen days from the date of production of certified copy of this order. The Petitioner undertakes to produce a certified copy of this order within a period of seven days from today. In the event the certified copy of this order is filed within the stipulated period, no coercive action for eviction of the Petitioner from the land in question shall be taken till disposal of the reply/objection filed by him Annexure-6.

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

(K.R. Mohapatra)
Judge

bks

