

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20175 OF 2022

Prasanta Kumar Nayak

....

Petitioner

Mr. S.S.K. Nayak, Advocate

-versus-

***Sub-Divisional Magistrate, Bhadrak
and others***

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

17.08.2022

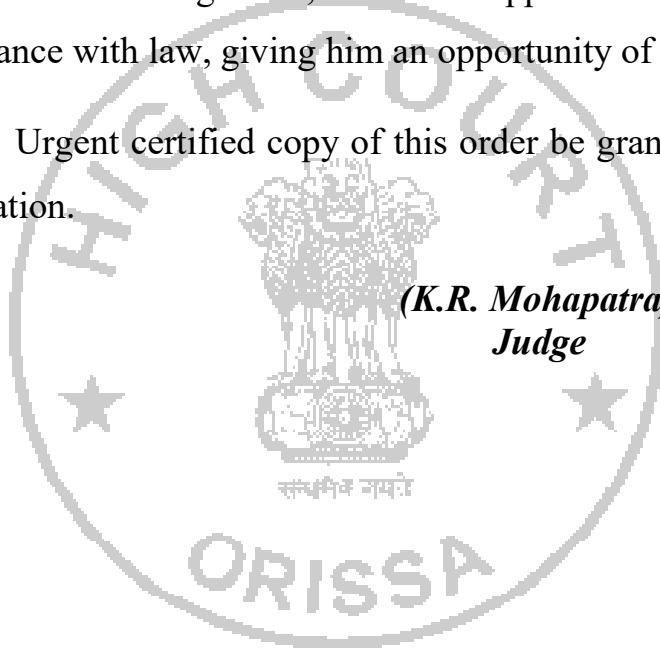
Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to quash the notice dated 22nd July, 2022 (Annexure-5) issued by the Sub-Divisional Magistrate, Bhadrak in Criminal Misc. Case No.05 of 2022 initiated under Section 4 of the Orissa Public Premises (Eviction of Unauthorized Occupants) Act, 1972 (for short 'the Act').
3. In course of hearing, Mr. Nayak, learned counsel submits that interest of justice will be best served, if the Petitioner appears before the Sub-Divisional Magistrate, Bhadrak and files his show cause raising the grounds including the issue of jurisdiction of Sub-Divisional Magistrate, Bhadrak to entertain an application under Section 4 of the Act.
4. Mr. Mishra, learned Additional Standing Counsel submits that the date of appearance of the Petitioner was 22nd July, 2022 and he has no instruction as to the present status of the proceeding before the Sub-Divisional Magistrate, Bhadrak.

5. Taking into consideration the submissions of learned counsel for the parties and the fact that the Petitioner has already entered appearance before the Sub-Divisional Magistrate, Bhadrak in Criminal Misc. Case No.05 of 2022, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction that in the event the Petitioner files his objection raising the issue of jurisdiction to entertain application under Section 4 of the Act along with other grounds, the same shall be considered by the Sub-Divisional Magistrate, Bhadrak-Opposite Party No.1 in accordance with law, giving him an opportunity of hearing.

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

(K.R. Mohapatra)
Judge



bks