

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 430 of 2019

Lingaraj Chinda

....

Appellant

Mr. A.K. Nayak, Advocate

-versus-

***District Magistrate & Collector,
Bolangir and others***

....

Respondents

Mr. Debakanta Mohanty
Additional Government Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
14.11.2022**

Order No.

05. 1. The challenge in the present writ appeal is to an order dated 18th July, 2019 passed by the learned Single Judge granting limited relief of permitting the Appellant to remain in the premises in question, despite losing in both forums under the O.P.P. (E.U.O) Act, 1971, for a further period of two months subject to filing of an undertaking.
2. During the pendency of the present writ appeal, the said order of the learned Single Judge was not stayed. Nevertheless, the Appellant appears to have not filed the undertaking as required by the impugned order of the learned Single Judge.
3. Today, learned counsel appearing for the Appellant claimed that his client is no longer in possession of the premises in question.

4. Mr. Debakanta Mohanty, learned Additional Government Advocate appearing for the State refers to the counter affidavit filed by the Respondents in the present writ appeal, pointing out *inter alia* that the Appellant had unauthorizedly occupied a Government quarter while he was working as a staff of the Revenue Department and continued occupying it even after his transfer to the Housing and Urban Development Department and even after his retirement from Government service. Ample opportunity was already granted to the Appellant under the O.P.P. (E.U.O) Act, 1971. 45 days' time was also given to vacate the premises. However, the Appellant failed to do so.

5. The learned counsel appearing for the Appellant is unable to point out how the Appellant could have continued to remain in occupation of a Government quarter and land despite superannuation. On merits, therefore, the Appellant appears to have no case whatsoever.

6. In these circumstances, the impugned order of the learned Single Judge does not call for any interference. There is no merit in the present writ appeal and it is dismissed as such.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge