

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20206 OF 2022

Prafulla Kumar Khatua ***Petitioner***
Mr. Manoj Kumar Mohanty, Advocate

-versus-

State of Odisha and others ***Opp. Parties***
Mr. Suvashish Pattnaik,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
12.08.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to restrain the Executive Officer, Soro Municipality-Opposite Party No.3 from evicting the Petitioner from Plot No.204 under Khata No.328 situated in Mouza Uttareswar, Unit No.5 in the district of Balasore.
3. Mr. Mohanty, learned counsel for the Petitioner submits that the land in question belongs to Government and is recorded as *Nayanjori*. The father of the Petitioner had constructed a shop over the suit land in the year 1971. Since then, his father and after him, the Petitioner is occupying the said shop and earning his livelihood. The Opposite Party No.3 without any authority has taken steps to evict the Petitioner by making an announcement by beat of drum in front of the shop of the Petitioner without taking steps for eviction as per law. He further submits that the land belongs to Works Department. Hence, the Executive Officer, Soro has no jurisdiction or authority to evict the Petitioner from the land in question. Since

the Petitioner apprehends eviction at any moment, he has filed this writ petition for the aforesaid relief:

4. Mr. Pattnaik, learned Additional Government Advocate submits that R.O.R. under Annexure-1 clearly indicates that the land in question has been recorded in the name of Urban Development and belongs to Soro Municipality. Hence, the Executive Officer, Soro Municipality-Opposite Party No.3 is competent to take steps for eviction of unauthorized occupants. The land is highly objectionable as it is recorded as *Nayanjori* (Water Channel). As such, the Executive Officer has committed no error in taking steps for eviction of the Petitioner.

5. Upon hearing learned counsel for the parties and considering the fact that the Petitioner is earning his livelihood from the shop by constructing it over the land in question, this Court disposes of this writ petition with a direction that in the event the Petitioner files a grievance petition before the Executive Officer, Soro Municipality-Opposite Party No.3 within a period of seven days hence ventilating his grievances along with certified copy of this order, he shall do well to consider the same in accordance with law and communicate the result thereof to the Petitioner forthwith. Till disposal of the grievance petition, if filed within the period stipulated above, no coercive action shall be taken against the Petitioner, if not evicted in the meantime.

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

(K.R. Mohapatra)
Judge