

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20253 OF 2022

Abhaya Kumar Swain

....

Petitioner

Mr. Arijeet Mishra, Advocate

-versus-

Union of India and others

....

Opp. Parties

Mr. P.K. Parhi,
Assistant Solicitor General
along with Ms. Babita Sahu,
Central Government Counsel

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 seeks to assail the notice dated 4th July, 2022 (Annexure-3) issued by the Deputy Inspector General of Police, Central Reserve Police Force (CRPF)-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3, whereby he directed to vacate Quarters No.244 Type-II, Block-18 within a period of fifteen days.
3. Mr. Mishra, learned counsel for the Petitioner submits that when the Petitioner was posted at Bhubaneswar during 2011, he was allotted with an official Quarters No.244 Type-II, Block-18. Subsequently, he was transferred to Srinagar (Jammu and Kashmir). In view of the guidelines issued by the Head Office of CRPF, he is entitled to retain the Quarters since he was posted in Jammu and Kashmir, N.E. or in LWE area. Hence, the Petitioner is entitled to occupy the said Quarters till his continuance in Jammu and Kashmir, N.E. or in LWE area. Without considering the same, the impugned notice under Annexure-3 has been issued

directing the Petitioner to vacate the Quarters within a period of fifteen days.

4. In course of hearing, Mr. Mishra, learned counsel for the Petitioner submits that in the meantime, some developments have taken place and interest of justice will be best served, if the Petitioner submits a comprehensive representation to the Opposite Party No.3 for consideration. He further prays that till disposal of the representation, his continuance in the Quarters No.244 Type-II, Block-18 may not be disturbed.

5. Mr. Parhi, learned Assistant Solicitor General appearing for the CRPF contended that the Petitioner is not entitled to occupy the said Quarters beyond seven years of his posting either in Jammu and Kashmir, N.E. or in LWE area. Due to his unauthorized occupation, he was issued with the notice of vacation, which was not complied with. Hence, finding no other alternative, notice under Annexure-3 has been issued. He, therefore, submits that the writ petition merits no consideration and is liable to be dismissed.

6. Taking into consideration the rival contentions of the parties, this Court is of the considered view that since the Petitioner is in occupation of Government Family Quarters and due to the developments interregnum, he intends to submit a grievance petition before the Opposite Party No.3, an opportunity in that regard should be given to the Petitioner.

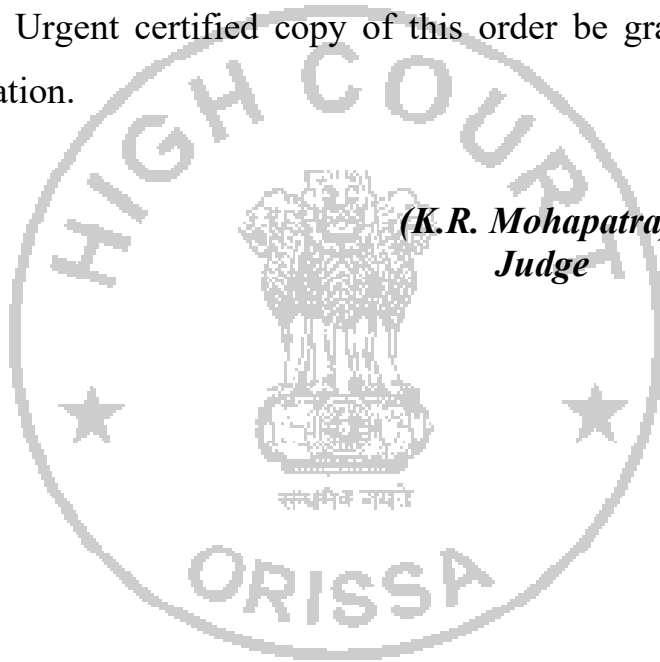
7. Accordingly, this writ petition is disposed of with a direction that in the event the Petitioner submits a comprehensive representation before the Deputy Inspector General of Police, Central Reserve Police Force (CRPF)-cum-Estate Officer, Group

Centre, CRPF, Bhubaneswar-Opposite Party No.3 within a period of two weeks hence along with certified copy of this order, the same shall be considered in accordance with law as expeditiously as possible, preferably within a period of one month therefrom.

8. Till a decision is taken on the grievance petition, if submitted by the Petitioner within the stipulated time as above, no coercive measure shall be taken pursuant to the notice under Annexure-3 for eviction of the Petitioner, if he has not been evicted in the meantime.

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

(K.R. Mohapatra)
Judge



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