

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20264 OF 2022

Smt. Sujata Ratha

....

Petitioner

Mr. Swapna Kumar Ojha, Advocate

-versus-

Union of India and others

....

Opp. Parties

Mr. P.K. Parhi,
Assistant Solicitor General
along with Mr. B.K. Pardhi,
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-7) 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.752 Type-II, Block-59 within a period of fifteen days.
3. Mr. Ojha, learned counsel for the Petitioner submits that when the husband of the Petitioner was posted at Bhubaneswar during 2019, he was allotted with an official Quarters No. 752 Type-II, Block-59. Subsequently, he was transferred to Sambalpur. In view of the guidelines issued by the Head Office of CRPF, he is entitled to retain the Quarters since he was posted in Sambalpur, which is an LWE area. Hence, the husband of 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-7 has been issued directing the husband of the Petitioner to vacate the Quarters within a period of fifteen days.

4. In course of hearing, Mr. Ojha, 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 husband of 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. 752 Type-II, Block-59 may not be disturbed.

5. Mr. Parhi, learned Assistant Solicitor General appearing for the CRPF contended that the husband of the Petitioner is not entitled to occupy the said Quarters beyond three 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-7 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 husband of 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 husband of 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 husband the Petitioner within the stipulated time as above, no coercive measure shall be taken pursuant to the notice under Annexure-7 for eviction, 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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