

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20268 OF 2022

Smt. Nayana Mallick

....

Petitioner

Mr. Swapna Kumar Ojha, Advocate

-versus-

Union of India and others

....

Opp. Parties

Mr. P.K. Parhi,
Assistant Solicitor General
along with Mr. D. Gochhayat,
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 29th July, 2022 (Annexure-5) 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.140, Type-II, Block-6 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 2013, he was allotted with an official Quarters No. 140, Type-II, Block-6. Subsequently, he was transferred to Anantnag (Jammu and Kashmir). In view of the guidelines issued by the Head Office of CRPF, he is entitled to retain the Quarters since he is posted in Anantnag (Jammu and Kashmir) or in LWE area. Hence, the husband of the Petitioner is entitled to occupy the said Quarters till his continuance in Anantnag (Jammu and Kashmir)

NE or in LWE area. Without considering the same, the impugned notice under Annexure-5 has been issued directing 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. 140, Type-II, Block-6 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 seven years of his posting either in Anantnag (Jammu and Kashmir) area NE or in LWE area. Due to his unauthorized occupation, the husband of the Petitioner was issued with the notice of vacation, which was not complied with. Hence, finding no other alternative, notice under Annexure-5 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 husband of 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 husband of the Petitioner within the stipulated time as above, no coercive measure shall be taken pursuant to the notice under Annexure-5 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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