

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.20466 OF 2022

Mahendra Kumar Nayak ***Petitioner***
Mr. Sangram Kumar Singh, Advocate

-versus-

Union of India and others ***Opp. Parties***

Mr. P.K. Parhi,
Deputy Solicitor General along
with Mr. Satyabrata Panda, CGC

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
29.11.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the notice of eviction dated 4th July, 2022 (Annexure-3) issued by the Deputy Inspector General-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 in respect of the husband of the Petitioner and also for a direction to set aside the recovery of damages for occupation of the family quarters.
3. Mr. Singh, learned counsel submits that the the Petitioner, namely, Sri Mahendra Kumar Nayak, while continuing at Group Centre, CRPF, Bhubaneswar was allotted with Family Quarter No.194, Type-II, Group Centre, CRPF, Bhubaneswar, At present, he has been transferred to Jammu & Kashmir, which is coming under LWE area. In view of the guidelines for Allotment and Occupation of Family Quarters in Central Reserve Police Force, 2015 (for short 'Guidelines, 2015') as at Annexure-4, the Petitioner is entitled to occupy the said quarters till he is posted at LWE/NE/J&K area. Since

the Petitioner is continuing in LWE area, he is entitled to retain the family quarters. The authorities without considering the same by a general order under Annexure-3 directed for vacation of the said quarters within a period of fifteen days failing which a direction was issued for recovery of damages for occupying the said quarters. He, therefore, prays for setting aside the impugned notice under Annexure-3 so far as it relates to the Petitioner is concerned and to allow the Petitioner to retain the quarters till he is posted in the aforesaid area.

4. Mr. Parhi, learned Deputy Solicitor General submits that the Guidelines, 2015 for accommodation of CRPF quarters has already been amended by the Government of India. Since the Petitioner has occupied the said quarters for more than five years, he is liable to be evicted, so that it can be allotted to persons, who are waiting for allotment of family quarters since long. The authorities are compelled to take steps for vacation of family quarters at Group Centre, CRPF, Bhubaneswar as there is a paucity of accommodation of families of CRPF personnel. He further submits that in the event the family of the allottee vacates the quarters, the allottee shall be entitled to HRA as admissible to him.

5. Perusal of the notice under Annexure-3 makes it clear that the eviction order was passed in terms of the Guidelines, 2015, as aforesaid. The contention raised by Mr. Parhi, learned Deputy Solicitor General does not find place in the notice under Annexure-3.

6. Mr. Singh, learned counsel for the Petitioner, however, submits that as per Rule 27 of the Guidelines, 2015, the Petitioner is entitled to retain the quarters till he is posted at LWE/ NE/J&K area.

These aspects have not been taken into consideration by the authorities while issuing notice under Annexure-3.

7. In that view of the matter, this Court feels that the case of the Petitioner requires fresh consideration.

8. Accordingly, this writ petition is disposed of with a direction that in the event the Petitioner submits an application/representation to the Deputy Inspector General of Police-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 within a period of ten days hence along with certified copy of this order, he shall do well to consider the same in accordance with law and pass a reasoned order thereon as expeditiously preferably within a period of one month from the date of filing of such application/representation, as aforesaid. The order so passed shall also be communicated to the Petitioner forthwith.

9. Till disposal of such representation, if filed within the time stipulated, as aforesaid, no coercive action pursuant to the notice under Annexure-3 shall be taken against the Petitioner.

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

(K.R. Mohapatra)
Judge

bks