

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21306 of 2022

Shyam Sundar Barik and others

.....

Petitioner

Mr. P.K. Mohanty-2, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

25.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. As it appears, for the selfsame prayer, the petitioners had earlier approached this Court by filing W.P.(C) No.1997 of 2020 and W.P.(C) No. 19992 of 2019 and on consideration of the same, this Court passed the following orders:-

“It is brought to the notice of the Court that inadvertently in order dated 28.11.2018, the date of the order has been wrongly mentioned as “16.11.2018” instead of “28.11.2018”. Accordingly, the same being a typographical error, necessary correction be made as “28.11.2018” instead of “16.11.2018”.

Learned counsel for the petitioners submits that these petitioners are the allottees in respect of the shop rooms belonging to the Balasore Municipality and as such they are in occupation of those shop rooms by paying rent. He further submits that that these petitioners are earning their livelihood and maintaining their family by doing small business therein. It is his submission that these petitioners have not encroached upon any such land beyond the space of the allotted shop rooms. He therefore, submits that such directions to the petitioners to remove the construction are without any basis.

Learned Additional Government Advocate submits that the notices have been issued as the petitioners have made constructions over the Govt. land which are highly objectionable which are causing serious inconvenience to the general public. It is further submitted that for said illegal acts on the part of the petitioners, they are liable to

face the legal consequences.

Learned counsel for the Balasore Municipality submits that those shop rooms had not been allotted to the petitioners but as the lands were lying fallow, they have unauthorisedly constructed the shop rooms and now for those constructions, serious inconvenience is faced by the general public for which rightly the notices have been issued.

Considering the submission made and on going through the averments taken in the writ applications as well as the documents annexed thereto, and further keeping in view the limited nature of the grievances, without expressing any opinion on the merit of the contentions; this writ applications stand disposed of with an observation that in the event the petitioners have been legally allotted with the shop rooms by the Balasore Municipality after construction of the same by the Municipality, then action for eviction of the petitioners therefrom shall not been taken without following due process of law.”

4. In view of the above order passed by this Court, there is no need of passing any order in this writ petition. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok