

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21800 of 2022

Mirza Zakir Baig and others

.....

Petitioners

Mr. R. Behera, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S.S. Kanungo, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

20.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. R. Behera, learned counsel for the petitioners.

3. The Petitioners have filed this writ petition to quash the eviction notice under Annexure-1 series and to direct the opposite parties to allot shop rooms meant for fish vending at the Market Yard of Regulated Market Committee, Bhadrak as per the advertisement No. 572 dated 16.06.2022.

4. Mr. Behera, learned counsel for the petitioners contended that the petitioners are earning their livelihood by having small shop rooms at the Market Yard of Regulated Market Committee, Bhadrak, but now the authorities have issued notices to vacate the shop rooms within three days. It is contended that till date they have not been evicted and they have made a grievance before the Sub-Collector-cum-Chairman, RMC, Bhadrak vide Annexure-2 series which is still pending. As such, the claim of the petitioners that they should be given alternative site for carrying on their business and until they were provided alternative place, they should not be evicted.

5. Mr. S. S. Kanungo, learned Additional Government Advocate contended that since the petitioners are in unauthorized occupation of the land belonging to Regulated Market Committee, Bhadrak, it is the said authority, who has to take necessary step and as such if the notice of

eviction has been issued on them, they should have approached the said authority making objection. Had the objection being raised before the authority, the authority should have considered accordingly.

6. Having heard learned counsel for the parties and after going through the records, since the Petitioners have come up challenging the notice of eviction, due to unauthorized occupation of the land belonging to Regulated Market Committee, Bhadrak and as such the period of notice has already been expired, therefore, the notices so issued cannot sustain. Before issuance of fresh notice by the Regulated Market Committee, Bhadrak, they are to consider the grievance of the petitioners in accordance with law.

6. With the above observation/direction, the Writ Petition stands disposed of.

Arun

(DR. B.R. SARANGI, J.)

