

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22859 OF 2022

Bhrunga Raj Pradhan

....

Petitioner

Mr. Biren Sankar Tripathy, Advocate

-versus-

Union of India and others

....

Opp. Parties

Mr. P.K. Parhi,

Assistant Solicitor General of India for Odisha

along with Mr. B.K. Padhi, CGC

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

13.09.2022

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-1) issued by the DIG-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar- Opposite Party No.3 directing the Petitioner to vacate Quarter No.350, Type-II in Group Centre, Bhubaneswar within fifteen days from the date of issue of the said notice.
 3. Mr. Tripathy, learned counsel for the Petitioner submits that the Petitioner was allotted with the quarters in 2011. Since then, the family members of the Petitioner are residing there. Son of the Petitioner is under treatment in Sum Hospital, Bhubaneswar since 2018 being referred by the composite Hospital, CRPF, Bhubaneswar and he requires the residential quarters/ accommodation for treatment of his son. At this juncture, the notice under Annexue-1 was served on the Petitioner to vacate the said quarters. It is his submission that as per the Rule 27 of guidelines for allotment of quarter to CRPF

Personnel, the Petitioner is entitled to retain the quarter, till he is posted at LWE/NE area.

4. In course of hearing, Mr. Tripathy, learned counsel submitted that the Petitioner has made a representation to the DIG-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 for redressal of his grievance and to allow him to retain the said quarters. When the matter is pending before the Authority, notice under Annexure-2 for eviction of quarters has been issued. Hence, finding no other alternative, the Petitioner has filed this writ petition.

5. Mr. Parhi, learned Assistant Solicitor General appearing for the CRPF submits that the Petitioner is not entitled to retain the quarter as he was earlier issued with a notice to vacate the said quarters. As the Petitioner did not comply with the same, he has been issued with notice dated 4th July, 2022 (Annexure-1). Hence, this writ petition is not maintainable and is liable to be dismissed. Besides, the Petitioner has already retained the said quarters for more than eleven years three months. Many eligible CRPF personnel are waiting for allotment of quarters. Further, the Petitioner is also entitled to 18% HRA of his salary if he takes the residence on rent at Bhubaneswar for accommodation of his family.

6. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion the merits of the case of the Petitioner disposes of the writ petition with a direction that on furnishing a fresh representation before the DIG-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 within a

period of seven days hence along with certified copy of this order, he shall do well to consider the same in accordance with law as expeditiously as possible preferably within a period of one month therefrom.

7. Till disposal of such representation, if filed within the time stipulated above, no coercive action shall be taken against the Petitioner for his eviction from Qrs. No.350, Type-II, Group Centre, Bhubaneswar, if he has not been evicted in the meantime.

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

(K.R. Mohapatra)
Judge



s.s.satapathy