

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 23424 of 2022

*Rose Mary Convent School,
Balasore*

.....

Petitioner

Ms. Reena Nayak, Advocate

Vs.

State of Orissa and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA.

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

14.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard.

3. The petitioner has filed this writ petition seeking direction to opposite parties not to demolish the School Building of the petitioner situated in the schedule land and to settle the said land in favour of the petitioner.

4. Ms. Reena Nayak, learned counsel appearing for the petitioner contended that the petitioner's school has been established in Government land for last so many years to impart the education to the small kids of the locality and it is situated in a slum dwelling area. The Government has to discharge its constitutional obligation and also provide free and compulsory education to the children. But instead steps have been taken for demolition of the school building.

5. Mr. A.K. Mishra, learned Additional Government Advocate contended that as such no notice has been placed on record to indicate that the eviction process has been started against the petitioner. The petitioner has already given a notice on 03.09.2022

under Section 80 CPC to the Collector & District Magistrate, Bolangir. Therefore, when the petitioner has resorted to Section 80 CPC, the present application cannot sustain in the eye of law and as such if any eviction is being done, that should be done after due compliance of the procedure envisaged under law itself.

6. Having heard learned counsel for the parties and after going through the records, the application is absolutely premature one, in view of the fact that no notice has been issued to the petitioner. As and when the opposite parties will evict the petitioner from the land in question, they have to follow the procedure under the law itself. Thus this court is not inclined to entertain the application, which is accordingly disposed of.

Arun

(DR. B.R. SARANGI)
JUDGE

