

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 23426 of 2022

*Ezebella Cr Christodas and
others*

.....

Petitioners

Ms. Reena Nayak, Advocate

State of Orissa and others

Vs.

.....

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 petitioners have filed this writ petition seeking direction to opposite parties not to demolish the dwelling house of the petitioners and to settle the said land in their favour.

4. 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 petitioners have already given a notice under Section 80 CPC to the Collector & District Magistrate, Bolangir. Therefore, when the petitioners have 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.

5. 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 petitioners. As an when the opposite parties will evict the petitioners 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

