

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 23883 of 2022

Binaya Krishna Das

.....

Petitioner

Mr. S. Mishra, Adv.

Vs.

State of Odisha and Ors.

.....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

15.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. The petitioner has filed this writ petition seeking to quash the notice dated 02.08.2022 under Annexure-4, so far as it relates to the petitioner, whose unauthorized encroachment has been described sl.no.29 (ii) of the said notice.

3. Mr. S. Mishra, learned counsel for the petitioner contended that admittedly the petitioner is in occupation of the government land, but no notice has been issued to him individually and, as such, in a combined notice, the name of the petitioner has been placed at sl.no.29(ii). Therefore, the petitioner has approached this Court by filing the present writ petition.

4. Mr. A.K. Mishra, learned Addl. Government Advocate contended that so many persons are in occupation of the government land and, therefore, a joint notice has been issued to all the persons for eviction vide Annexure-4 dated 02.08.2022. As such, after one and half months, the petitioner has filed this writ petition challenging the said notice on the ground that no opportunity of hearing was given to him which cannot be sustained in the eye of law. It is further contended that if at all the petitioner is aggrieved by the said notice, it is open to the petitioner to file objection to the same before the appropriate forum in accordance with law.

5. Having heard learned counsel for the parties and after going through the records, this Court finds that admittedly the petitioner has received notice dated 02.08.2022 vide Annexure-4, wherein his name finds place at sl.no.29(ii). Therefore, instead of filing objection/reply to the same, the petitioner has straightaway come to this Court by filing the present writ petition, which is premature one. If the petitioner is aggrieved by such notice dated 02.08.2022, it is open to him to file reply/objection before the authority concerned in accordance with law. Instead of doing so, the writ petition filed by the petitioner is not maintainable. However, liberty is granted to the petitioner to pursue his remedy before the appropriate forum in accordance with law.

6. With the aforesaid liberty, the writ petition stands disposed of.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok

