

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 24108 of 2022

Md. Wakil

.....

Petitioner

Mr. A. Mishra, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. A.K. Mishra, 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. A. Mishra, learned counsel for the petitioner.

3. The Petitioner has filed this writ petition challenging the letter dated 12.09.2022 issued by the Executive Officer, Joda Municipality for vacation of the Government land for construction of Urban Health and Wellness Centre in Ward No. 13 under Joda Municipality.

4. Mr. A. Mishra, learned counsel for the petitioner contended that the petitioner is in possession of a small piece of land at Banspani, Unit-5, over Plot No. 719, Khata No. 140, Kisam-Patita and is earning his livelihood by manufacturing Bricks/ Paver Blocks by establishing the Plants along with stacking the materials on the Government plots. It is further contended that since the petitioner is earning his livelihood on occupation of the Government land, before taking steps opportunity of hearing should have been given in accordance with law.

5. Mr. A.K. Mishra, learned Additional Government Advocate contended that admittedly the petitioner is in possession of government land and as such for the better public interest if the lands are required, the Executive Officer, Joda Municipality, the authority has given the notice and as such, no illegality has been committed by issuing such notices. In any case, if the petitioner is aggrieved, he could have filed his objection before the Executive Officer, Joda Municipality. Instead of doing so, the

petitioner has approached this Court by filing the writ petition, which is premature one.

6. Having heard learned counsel for the parties and after going through the records, as it appears the Executive Officer, Joda Municipality has given notice on 12.09.2022 under Annexure-3 for vacation of the government land for construction of Urban Health and Wellness Centre in Ward No. 13 under Joda Municipality and there is no dispute with regard to the fact that the petitioner is in occupation of the government land to manufacture Bricks/ Paver Blocks by establishing the Plants along with stacking the materials on the Government plots. Therefore, if the petitioner is in occupation of the government plots and for the purpose of better public interest the land is required by the Government, the petitioner is give way for the larger interest. In any case, since the petitioner has not raised any objection before the Executive Officer, Joda Municipality, it is open to him to file such objection, which shall be considered and disposed of in accordance with law by giving opportunity of hearing to the petitioner.
7. The writ petition is accordingly disposed of.

Arun

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