

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 24503 of 2022

Kanhu Charan Rout

.....

Petitioner

Mr. S.R. Mulia, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.R. Mulia, learned counsel for the petitioner and learned State Counsel appearing for the State-opposite parties.

3. The petitioner has filed this writ petition challenging the notice of eviction dated 07.09.2022 under Annexure-1 issued by opposite party no.2 directing the petitioner to remove the cabin/shop within eight days otherwise the IDCO authority will not be held responsible for any damage.

4. Mr. S.R. Mulia, learned counsel for the petitioner contended that while issuing notice of eviction, opposite party no.2 has not complied with the provisions contained in Section 36 of IDCO Act by giving opportunity of hearing to the petitioner. Therefore, issuance of notice is contrary to the provisions of law.

5. Learned State Counsel appearing for the State-opposite parties contended that notice of eviction has been issued by following due procedure of law.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court is not inclined to issue notice to opposite party no.2. However, since Section 36 of the IDCO Act has not been complied with while issuing impugned notice, this writ petition is disposed of with the direction that any notice of eviction if issued, the same shall be by

following due procedure and in compliance of the provisions contained in Section 36 of the IDCO Act.

7. With the above observation and direction, the writ petition is disposed of.

Issue urgent certified copy as per rules.

Arun

(DR. B.R. SARANGI)
JUDGE

