

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.25219 of 2022

Sohail Siddhiki

.... Petitioner(s).

Mr.A.K.Mishra, Advocate

-versus-

State of Odisha & Ors.

.... Opposite Party(s)

Mr.S.Ghose, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

24.09.2022

Order No.

1

1. This matter was not in today's list. On being mentioned, and finding urgency it is taken up on special notice.
2. Heard learned counsel appearing for the parties.
3. This Court entertains the writ petition on the sole allegation that the order at Annexure-1 has been passed involving a direction to the petitioner to vacate the disputed site within a period of three days without any involvement of the petitioner. This Court observes in the event the petitioner has not been involved in any eviction proceeding before passing order at Annexure-1, such order is non-est in the eye of law. In the background and since this Court records the statement of Mr.Mishra, learned counsel for the petitioner that petitioner is yet to be involved in any eviction proceeding at least by Municipal Authority, the writ petition stands disposed of permitting the petitioner to raise his objection against the notice at Annexure-1 at least within a period of seven days hence. Following such action of the petitioner, the Executive Officer, Kantabanji Notified Area Council is directed to give personal opportunity of hearing to the

petitioner and pass a lawful order at least within a period of three weeks thereafter.

4. Till an outcome is shown by the Executive Officer, Kantabanji Notified Area Council-opposite party no.4 on the representation of the petitioner, status quo as on date in respect of the disputed property shall be maintained by all concerned.

5. The writ petition stands disposed of with the observation and direction made hereinabove.

6. Since supply of certified copy of the order may take some time, it is open to the petitioner to bring to the notice of the competent authority regarding protection granted by this Court by way of an affidavit with clear indication that he shall produce the certified copy of this order within a period of seven days.

(Biswanath Rath)
Judge

sks

