

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 26018 of 2022

Sankarsan Jena and another

Petitioners
Mr.S.C. Dash, Advocate

Vs.

State of Odisha and others

Opposite parties
Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

30.09.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S.C. Dash, learned counsel for the petitioners and Mr. S.N. Nayak, learned Additional Standing Counsel for the State.
3. The petitioners have filed this writ petition seeking direction to the opposite parties to give due weightage to the Civil Court decree passed in favour of the petitioners and to restrain the opposite parties from interfering with the peaceful possession of the petitioners over the land in question, i.e. residential house situated in mouza Dumdum, over plot No. 958, Khata No. 414 corresponding to settlement Khata No. 516, Plot No. 471.
4. Mr. S.C. Dash, learned counsel for the petitioners contended that the petitioners are in possession of the land by virtue of the Civil Court decree, but the opposite parties have made an announcement through loud speaker for eviction of the petitioners from the said land. Therefore, they have approached this Court in the present writ petition.
5. Mr. S.N. Nayak, learned Additional Standing Counsel contended that if the eviction has been intended to be done, the same will be done by following due procedure of law. But by making announcement in

loud speaker that itself is not the compliance of the procedure as envisaged in law.

6. Having heard learned counsel for the parties and after going through the record, this court is of the opinion that if the petitioners are in possession of the land, as mentioned above, and by virtue of the Civil Court Declaration a right has been accrued in their favour, if the opposite parties are trying to evict the petitioners by making loud speaker announcement, that itself cannot be treated as compliance of the requirement of law to evict such person. If at all the petitioners are to be evicted, that should be done by following due procedure of law and by giving proper notice. More so, if by virtue of the Civil Court declaration, the petitioners are in possession of the land, in that case, the State Authorities should be more careful with regard to eviction of such authorized persons from their land.

7. In view of the above, the writ petition stands disposed of permitting the petitioners to pursue their remedy before the appropriate forum in accordance with law.

8. Issue urgent certified copy as per rules.