

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.29237 OF 2022

Jagannath Nayak & ors.

....

Petitioners

Mr.S.P.Sarangi, Adv.

-versus-

*Steel Authority of India, Rourkela &
ors.*

....

Opposite Party(s)

CORAM:

JUSTICE BISWANATH RATH

Order
No.

ORDER
21.11.2022

1. Heard learned counsel for the Petitioners.
2. The Writ Petition involves the following prayer :-

“In the facts and circumstance of the present case, this Hon’ble Court may graciously be pleased to issue a Rule NISI calling upon the Opposite Parties to show cause, so as to why they shall not be directed to allotting the space for ‘Easily Shiftable Structure (Gumti) at Laxmi Market, Section-18, Rourkela pursuant to the intimation letter vide Annexure-2 and if the Opposite Parties fail to show cause or show insufficient cause make the said Rule absolute.

And

Further direct the Opposite Party No.2 to take appropriate steps to allot the space for ‘Easily Shiftable Structure (Gumti) in terms of letter vide Annexure-5..”

3. Through the pleading, it has been brought to the notice of this Court by the learned counsel for the Petitioners that the Petitioners are in long occupation of certain portion of the land by running some sort of shop establishments to earn their livelihood. Through Annexure-3, an attempt has been made to establish that there is entertaining such continuance even issuing intimation for allotment. The documents at Annexure-2 establish issuing of

intimation for allotment in favour of O.P.1. It is further alleged, while the situation stands thus, there has been attempt by O.P.2 through Annexure-3 to displace the Petitioners, who are already in occupation of some portion of the land, and to allot the very same area to the local displaced persons. There has been already submission of representation to the effect requesting confirmation of such land in favour of the Petitioners and not disturbing them, there is no outcome on the same and in the meantime, the Authority proceeded with the advertisement at Annexure-3. Considering that there is pendency of application on behalf of 21 shop owners, the Petitioners herein, this Court without expressing any opinion and declining to entertain such issue at this stage of the matter, disposes of the Writ Petition directing O.P.2, Deputy Manager (TS) CA, Steel Authority of India, Rourkela, to have an enquiry to find out if the Petitioners are already in possession/allotment of any land involving Annexure-3 and they have their sole earning for their survival by doing some sort of business. In the event such land is there already in occupation by any of the Petitioners, as appropriate, be taken while working out on Annexure-3, considering there may not be affecting the livelihood of the Petitioners without providing alternative opportunity to any of the Petitioners.

(Biswanath Rath)
Judge