

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.31067 OF 2022

Bhagirathi Mallik

....

Petitioner(s)
Mr.A.K.Mishra,Adv.

-versus-

State of Odisha and others

....

Opposite Party(s)
Mr.S.Ghosh,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
21.11.2022

Order No.

01.

1. Heard learned counsel for the Parties.

2. This Writ Petition involves the following prayer:-

“In the aforesaid facts and circumstances, it is humbly prayed that this Hon’ble Court may be graciously pleased:

- i) Quash Annexure-1;
- ii) Direct the opposite parties to protect the present petitioner & his family from the atrocity of the O.P.No.4;
- iii) Pass such other or further orders as this Hon’ble Court may deem fit and proper.

And for this act of kindness, the petitioner shall, as in duty bound, ever pray.”

3. This Writ Petition involves a challenge to the notice at Annexure-1. Taking this Court to the notice at Annexure-1, Mr.Mishra, learned counsel for the Petitioner contended that there is no room for issuing direct notice of eviction in the eye of law.

4. In the circumstance, there is request for interfering in the order at Annexure-1. Considering the submission of Mr. Mishra, learned counsel for the Petitioner and as this Court finds, action involving the Notified Area Council, Tusra, this Court observes law has been fairly

well settled observing there is no room for straightway eviction even against unauthorized encroacher.

5. In the circumstance while staying the order at Annexure-1 for two months, this Court permits the Petitioner to raise his objection, if any, for consideration of the Executive Officer, NAC, Tusra at least within a period of seven days hence and the objection of the Petitioner, if submitted within seven days, may be taken up for hearing in the involvement of the Petitioner and if necessary involving an inquiry and pass final order therein at least within a period of one month from the date of communication of this order by the Petitioner.

6. The Writ Petition thus stands disposed of.

(Biswanath Rath)
Judge

Swarna

