

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 33411 of 2022

Siba Prasad Das

.....

Petitioner

Mr. S.K. Nayak-2, Adv.

Vs.

State of Orissa and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

08.12.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Nayak-2, learned counsel for the petitioner and Mr. H.M. Dhal, learned Addl. Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking direction to the revenue authorities not to evict him from Plot No.1210, area Ac.0.04 decimal under Khata No.653 of Mouza-Bagurai in the district of Bhadrak without due process of law.

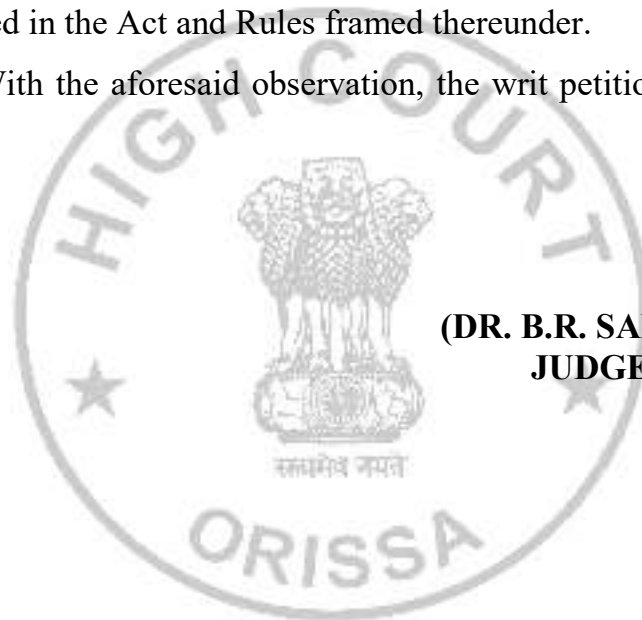
4. Mr. S.K. Nayak-2, learned counsel for the petitioner contended that the petitioner is carrying on business by opening a small shop room in the aforementioned land and along with him some other persons have also opened their shops. But the local Revenue Inspector came and threatened to evict the petitioner only without any intimation to other persons those who are in unauthorized occupation of the land in question. It is contended that the petitioner has no objection to vacate the land along with others. But if individual action will be taken against the petitioner, the same will cause prejudice to him and, as such, the entire action of the authority is violative of Article 14 of the Constitution of India. It is further contended that while starting any eviction process, due opportunity of hearing should be given to the petitioner.

5. Mr. H.M. Dhal, learned Addl. Government Advocate appearing for the State-opposite parties contended that the writ petition is premature one because of the fact the till date no notice has been issued to the petitioner and, as such, against the notice of eviction, appeal lies. It is contended that as and when the process of eviction is started, procedure shall be followed in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that no notice of eviction has been issued to the petitioner till date and, as such, no document has been incorporated to that extent in the present writ petition. Therefore, this Court is of the considered view that if any notice of eviction is issued by the authority, the same shall be in consonance with the provisions contained in the Act and Rules framed thereunder.

7. With the aforesaid observation, the writ petition stands disposed of.

Ashok



(DR. B.R. SARANGI)
JUDGE