



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 6905 of 2025

Bishnu Barik

..... *Petitioner(s)*

Mr. Sushanta Kumar Pradhan, Adv.

-versus-

State of Odisha & Ors.

..... *Opposite Party(s)*

Mr. Sonak Mishra, ASC

Mr. Kausik Ananda Guru, Adv.

for O.P.3

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

27.03.2025

Order No.

02.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The present Writ Petition has been filed by the Petitioner with the following prayer:

“In the facts and circumstances stated above, the humble Petitioner respectfully prays that, this Hon’ble Court may graciously be pleased to issue “Rule Nisi” calling upon the Opp. Parties to show-cause as to why the unauthorized/illegal notice/order passed by the O.P.3 under Annexure-4, shall not be quashed; if the Opp. Parties failed to show-cause or shown insufficient cause, the said Rule made absolute by quashing the said eviction/demolition notice.

And/or this Hon’ble Court further be pleased to pass any such appropriate writ(s)/order(s)/direction(s) which will give complete reliefs to the Petitioner;”

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Reason: Authentication
Location: OHC
Date: 28-Mar-2025 18:07:03





4. Learned counsel for the Petitioner submits that the grandfather of the Petitioner named Sibaratra Barik and his family were residing at Hirakud during the construction of Hirakud Dam by giving Holding Tax vide Holding No.87 (O)/78 (N) to the Hirakud Municipality. He further submits that the entire area of Hirakud recorded in the name of "Hirakud Nadi Bandha Yojana" bearing Khata No.4 of Mouza-Jamada under Tahasil, Sambalpur. Almost all the inhabitants of Hirakud are resided by constructing their houses over the land in question by giving Holding Tax to the Municipal Corporation, Sambalpur.

5. Learned counsel for the Petitioner further contends that, all of a sudden, the Opposite Party No.3/The Commissioner, Sambalpur Municipal Corporation has affixed a general notice under Annexure-4 which does not specify any date or any deadline for eviction in front of the house of the Petitioner mentioning therein a "for removal of shop, cabin and house from Government land/road/drain/park and footpath". He further submits that the Petitioner has not encroached any Government land. He further submits that the Petitioner was

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Here, the Petitioner is constrained to approach this Court.



6. Learned counsel for the Sambalpur Municipal Corporation submits that because of the encroachment of the Government land the Municipal Authority has issued a general notice under Annexure-4.

7. In such view of the matter, the Opposite Party No.3/the Commissioner, Sambalpur Municipal Corporation is directed to afford an opportunity of hearing to the present Petitioner within fifteen days from the date of presentation of a certified copy of this order and pass an appropriate order in accordance with law. Till the final order is passed by the Municipal Authority, no coercive action shall be taken against the Petitioner.

8. Accordingly, the Writ Petition is disposed of.

(Dr. S.K. Panigrahi)
Judge

Murmu

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