



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20031 of 2026

***Subrat Kumar Mishra***

Petitioner

Represented By Adv.-
Mr. Ramanath Acharya, Advocate

-versus-

***State of Odisha and
others***

Opp. Parties

Represented By Adv.-
Mr. Jayanta Kumar Bal, AGA
(for opposite party Nos.1 and 4)
Miss Pratyusha Naidu, Advocate
(for opposite party Nos.2 and 3)

CORAM:

THE HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

27.07.2026

(Hybrid mode)

Order No.

02.

- 1.** Heard Mr. Ramanath Acharya, learned counsel for the petitioner, Mr. Jayanta Kumar Bal, learned Additional Government Advocate appearing for the State (opposite party Nos.1 and 4) and Miss Pratyusha Naidu, learned counsel appearing for opposite party Nos.2 and 3, namely, the Commissioner Endowment, Odisha, Bhubaneswar and the Additional Assistant Commissioner of Endowment, Cuttack respectively.
- 2.** Challenge in the writ petition has been laid to the Letter No.1529/1521C(M), dated 05.05.2026 issued by the Additional Assistant Commissioner, Endowments, Kataka



whereby the Tahasildar, Rasulpur and the IIC, Kuakhia, Jajpur are instructed "to demolish and suitably remodel the boundary wall over Plot No.855 and 854 (Debasthali) to ensure public access from all sides, and remove all unauthorized structures including the temporary cabin, benches, and permanent room". This writ petition has been filed by the petitioner with the following prayer(s):

"Therefore, the petitioner, most humbly prays that this Hon'ble Court may graciously be pleased to admit this writ petition, issue notice to the opposite parties and after hearing the parties be pleased.

- i) To reject/quash the order of demolition vide letter no.1529 dtd. 05.5.2026 under Annexure-5 issued by the Opp. Party No.3 under Annexure-5.*
- ii) To issue direction to the opposite party no.3 to pass appropriated order on the show cause reply of the petitioner dtd. 23.06.2026 under Annexure- within a stipulated period.*

And pass any other order/orders which your lordship deem fit and proper.

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

- 3.** It is submitted by the learned counsel for the petitioner that the Additional Assistant Commissioner of Endowments, Kataka, directed the petitioner to furnish certain documents/information and submit his reply within two weeks of receipt of the letter/show cause notice dated 05.05.2026. In response to said show cause notice, the petitioner submitted his reply on 23.06.2026 before the said authority. *Albeit* the Additional Assistant Commissioner of Endowments, Cuttack, issued the show cause notice on 05.05.2026, on the very same day, *i.e.*, 05.05.2026, he



issued Letter No. 1529(2)/1521C(M) dated 05.05.2026 (Annexure-5) addressed to the Tahasildar, Rasulpur, and the Inspector-in-Charge, Kuakhia Police Station, Jajpur, directing them to demolish the property in question.

4. Upon perusal of the records, this Court has perceived that the authority, namely the Additional Assistant Commissioner of Endowments, Kataka has issued a notice calling upon the petitioner to file show cause reply granting two weeks' time therein. However, without waiting for reply to be received or response to be made by the petitioner in connection with such show cause notice, the authority ought not to have directed the Tahasildar and IIC to demolish the structure/construction on the very same day of issuance of notice.

- 4.1. It does require no authority to be cited to conceive that a citizen is entitled to have his say— *audi alteram partem*— against any adverse action to his detriment is taken leading to civil or evil consequences. Such opportunity to furnish reply to show cause notice cannot be empty formality. The authority is required to not only consider the reply or explanation so proffered in connection with the notice, but also afford opportunity of hearing; of course, effective hearing.

- 4.2. Under the above premises, scrutiny of documents enclosed with the writ petition manifests that the authority concerned has failed to adhere to the principles of natural justice which warrants this Court to show indulgence in the matter in exercise of power under Article 226 of the Constitution of



India.

5. This Court, hence, sets aside the directions contained in Letter bearing No.1529/1521C(M), dated 05.05.2026 (Annexure-5) and remits the matter to the Additional Assistant Commissioner of Endowments, Kataka (opposite party No.3) to taking decision afresh.

5.1. For the said purpose, the Additional Assistant Commissioner of Endowments shall take into consideration the reply so furnished in connection with the show cause notice (Annexure-2) and pass reasoned order thereon after giving opportunity of hearing to the petitioner. Needless to say that the said authority shall bring the matter to its logical end as expeditiously as possible, preferably within a period of four weeks from today. Liberty is granted to the petitioner to furnish documents or rely upon such materials as he may deem appropriate. The decision/order passed as aforesaid shall be communicated to the petitioner.

6. Accordingly, the writ petition along with pending Interlocutory Application(s), if any, stands disposed of.

7. Urgent certified copy of this order be granted as per rules.

(Manash Ranjan Pathak)
Judge

(Murahari Sri Raman)
Judge