



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20221 of 2025

Rajesh Kumar

..... *Petitioner(s)*
Mr. Trilochan Nanda, Adv.

-Versus-

State of Odisha & Ors.

..... *Opposite Party(s)*
Mr. Sanjay Rath, AGA

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

24.07.2025

Order No.

- 02.
1. This matter is taken up through hybrid arrangement.
 2. In filing this Writ Petition, the Petitioner being an encroacher has sought for a direction from this Court to the Opposite Parties for not demolishing his shop standing over the disputed property in question at Unit2, Market Building, Bhubaneswar (Near Western Tower, In front of BMC Keshari Mall).
 3. Heard learned counsel of both the parties.
 4. Learned counsel for the State, at the outset, submits that since there is no notice of eviction/demolition issued to the Petitioner till today, the prayer made in this Writ Petition is premature.
 5. At this juncture, learned counsel for the Petitioner submits that in a similar situation, this Court in disposal of a Writ Petition vide W.P.(C) No.13554 of 2023 has directed that there shall be no eviction/demolition without following due process of law.

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6. In such view of the matter, this Court directs that there shall be no demolition of the shop room in question or eviction of the Petitioner from the disputed property in question without following due process of law. Furthermore, the Opposite Parties are requested to consider the plea of the Petitioner for allotment of a separate shop room in his favour, if there is possibility of demolition of the shop room of the Petitioner in question.

7. This Writ Petition is, accordingly, disposed of.

(Dr. S.K. Panigrahi)
Judge

Murmu

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