



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.20755 of 2025

Pratap Kumar Das

.....

Petitioner

Mr. R.K. Panda, Adv.

-versus-

**Dhenkanal Municipality,
Dhenkanal**

.....

Opposite Party

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

25.07.2025

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. This matter was not in today's list, however, on being mentioned this matter is taken up today.
3. Heard learned counsel for the Petitioner. Perused the writ application as well as the documents annexed thereto.
4. The Petitioner has filed the present writ application with the following prayer:

"It is therefore most humbly prayed that the Hon'ble Court may graciously be pleased to admit this petition and pass necessary directions to the Opp party to set aside the impugned order dated 21.07.2025;

And declare that the petitioner's occupation of the allotted shop is lawful and protected under the terms and conditions of the original allotment and subsequent permissions granted by the Opp.



Party;

And that the Opp party may be further directed to refrain from taking coercive action against the petitioner without due process of law;

And further be pleased to pass any other order(s) which this Hon'ble Court deems just and proper for the ends of Justice;”

5. Learned counsel for the Petitioner at the outset contended that the Petitioner is a licensee in respect of a shop room. He further contended that such license was granted way back in the 2002 to operate an STD phone booth, however, recently on 09.10.2019 the Petitioner has been granted permission to run a medicine shop on the lease hold plot. On 09.06.2025 the Petitioner was issued with a show cause notice to deposit rent to the tune of Rs.30,800/-. Accordingly, the Petitioner submitted his reply on 16.06.2025. Thereafter, the impugned notice dated 21.07.2025 under Annexure-1 to the writ petition has been issued. On perusal of the said notice, it appears that the sole Opposite Party has mentioned in the said letter that since the Petitioner fail to comply with the commitment, he has given to the authorities his allotment has been cancelled. Accordingly, the Petitioner has been directed to vacate the allotted shop room within three working days, otherwise the Municipality Authority will compel to demolish the shop room without any notice. Being aggrieved by such illegal conduct of the Opposite Party, the Petitioner has approached this Court by filing the present writ petition. Learned counsel for the Petitioner at the outset contended that the entry of the Petitioner to the shop room is on the basis of a permission/license granted by the Opposite Party. He further contended that due to some financial difficulty he was unable to deposit the rent, however, he is ready and willing to deposit the



demanded rent dues of Rs.30,800/- as well as the current dues. The arrear dues as demanded vide demand notice dated 09.06.2025 shall be deposited within a period of one week.

6. Taking into consideration the aforesaid facts, this Court is inclined to grant another opportunity to the Petitioner. Accordingly, the Petitioner is directed to approach the Opposite Party along with a draft of Rs.30,800/- in favour of the Opposite Party-Municipality. On deposit of such draft, the Opposite Party shall take a decision with regard to the continuance of the Petitioner on the license premises within two weeks from such date of deposit. In view of the aforesaid direction, the letter dated 21.07.2025 is directed to be kept in abeyance for a period of four weeks. It is further made clear that in the event the Opposite Party allows the Petitioner to continue as a tenant over the lease hold plot, then he shall deposit the lease rental on due dates without fail. Since this order is being passed in the absence of the Opposite Party, liberty is given to the Opposite Party to seek for variation and modification of this order in the event it is found that the Petitioner has suppressed any material fact or has mislead this Court on any factual aspect.

7. With the aforesaid observations/directions, the writ application stands disposed of.

Issue urgent certified copy of this order in course of the day as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 25-Jul-2025 18:02:37