



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 28461 of 2025

Pramoth Kumar Rout

.....

Petitioner(s)

Mr. Himanshu Sekhar Mishra, Adv.

-Versus-

State of Odisha & Ors.

.....

Opposite Party (s)

Mr. Debasish Nayak, AGA

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

09.10.2025

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. In filing this Writ Petition, the Petitioner has challenged the notice dated 23.09.2025/Annexure-6 issued by the Opposite Party No.3/Chief Development Officer-cum-Executive Officer, Zilla Parishad, Keonjhar.
4. Learned counsel appearing for the Petitioner submits, with due deference, that Opposite Party No.3 has issued a notice dated 23.09.2025 purporting to direct the demolition of the OMFED Milk Parlour presently situated within the precincts of the Collectorate campus at Keonjhar. It is contended that the Petitioner has been eking out his livelihood by operating the said milk parlour continuously since 03.12.1997, pursuant to an allotment made by the Keonjhar Project of OMFED.

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Date: 10-Oct-2025 13:42:40



5. It is further averred that the said allotment was preceded by a due process of tender, which culminated in the selection of the Petitioner by the Tender Committee in respect of the tender floated on 29.11.1992. Consequent upon such selection, the left-wing portion of the milk parlour was allotted to the Petitioner on specific terms and conditions delineated under the lease arrangement.
6. As per the said agreement, the initial lease was executed for a period commencing from 15.12.1997 and concluding on 14.11.1998, and the same was subsequently renewed from time to time, thereby entitling the Petitioner to continue in peaceful possession and enjoyment of the said premises, subject to compliance with the covenants stipulated therein.
7. Learned counsel for the Petitioner further submits that the Petitioner's sole means of sustenance is derived from the operation of the OMFED Milk Parlour in question, which constitutes his exclusive source of livelihood. It is submitted that the Petitioner had previously approached this Court by instituting W.P.(C) No.18490 of 2008, wherein this Court was pleased to pass an order of status quo in respect of the said Milk Parlour vide order dated 23.12.2008. Subsequently, the said Writ Petition was withdrawn by the Petitioner on 22.01.2024, premised upon the assurance furnished by the



competent authority that the structure in question would not be subjected to demolition.

8. In view of the above and upon a careful consideration of the submissions advanced by the learned counsel for the Petitioner, this Court is of the considered opinion that, having regard to the fact that the Petitioner is wholly dependent upon the said OMFED Milk Parlour for his livelihood, any precipitative action resulting in his eviction therefrom would occasion undue hardship and irreparable prejudice. Accordingly, it is directed that no coercive action for demolition of the Milk Parlour shall be undertaken by the District Administration in the absence of an alternative arrangement being made for the Petitioner.
9. It is further observed that in the event the District Administration forms an opinion that the existing structure is in a dilapidated or unsafe condition, thereby rendering it unsuitable for continued commercial operation, it shall be incumbent upon the authorities to make alternative arrangements within the vicinity of the present location, so as to enable the Petitioner to continue his business without interruption, until such time as a new shop room is constructed.
10. Upon completion of the new premises, the Petitioner shall be afforded a pre-emptive right of allotment in respect thereof for the continued operation of the OMFED Milk Parlour, subject to



compliance with any reasonable terms and conditions that may be stipulated by the competent authority.

11. Accordingly, the Writ Petition is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Murmu

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