

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33177 of 2023

Mamatamayee Mohanty

....
Mr. S.K. Sarangi, Advocate

Petitioner

-Versus-

State of Orissa and Others

....
Mr. P.K. Rout, AGA

Opposite Parties

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

11.10.2023

Order No.
01.

1. Heard learned counsel for the petitioner.
2. Instant writ petition is filed by the petitioner for a direction to opposite party No.3 not to evict him from the schedule land on the grounds stated therein.
3. Referring to a copy of the RoR as at Annexure-2 and sketch map at Annexure-3, it is submitted by the learned counsel for the petitioner that the alleged encroached area as per the BDA is a part on parcel of Plot No.1416 which is privately owned by the petitioner. It is alleged that recently i.e. on 6th October, 2023 eviction and demolition from the schedule land has been declared by opposite party No.3 which is unjust and illegal. It is claimed that before any such demolition at the behest of opposite party No.3, a demarcation to be necessary.
4. According to the Court, response of opposite party No.3, in particular is necessary considering the contention of the petitioner and hence, it is ordered.
5. Notice.

6. Mr. Rout, learned AGA for the State accepts notice for opposite party Nos.1 and 4.

7. Notices to opposite party Nos.2 and 3 by Registered Post with AD making it returnable at an early date and for the said purpose, learned counsel for the petitioner shall file requisites within a week from today. In the event, the requisites are filed, notices to opposite party Nos.2 to 3 shall be issued forthwith.

8. List on 7th November, 2023 for final orders awaiting response of opposite party No.3.

(R.K. Pattanaik)
Judge

I.A. No.16088 of 2023

1. Heard.

2. Considering the submission of learned counsel for the petitioner and the fact that the petitioner denies any such encroachment of the land owned by the BDA and there is a decision recently and eviction to have been declared through mike announcement, the Court is of the considered view that as an interim measure, till the response of the opposite parties and particularly, opposite party No.3 received, there should be status quo maintained in respect of the schedule land which is, accordingly, ordered.

3. List on the date fixed.

4. A certified copy of this order be granted as per rules and in course of the day.

(R.K. Pattanaik)
Judge

Signature Not Verified

Digitally Signed
Signed by: THAKURDAS TUDU
Designation: Sr. Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 12-Oct-2023 12:10:54

