

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34307 of 2022

Jagannath Panda

....

Petitioner(s)

Mr. A. Mishra,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE BISWANATH RATH

ORDER

16.12.2022

Order No.

01.

1. This matter was not in today's list. On being mentioned in the first hour, this matter is taken up through Special Notice.
2. Bringing to the notice of this Court a development through W.P.(C) No.14791 of 2015 learned counsel for Petitioner alleges that even assuming that there has been a direction of a Division Bench authorizing the C.M.C to enquire into the allegation therein and to undertake the follow up action, but there should be following of due process of law in undertaking such exercise. Learned counsel for Petitioner made a serious allegation that before issuance of notice vide Annexure-1 there has been no involvement of the Petitioner and further alleges that such issuance of unilateral eviction notice is *per se* bad in law.
3. This Court being prima facie satisfied with the allegation of the Petitioner directs for issuing notice on the question of admission.

4. Since Opposite Party Nos.1 & 4 will be represented by the learned State Counsel, no notice be issued to them. Let two extra copies of the brief be served on the learned State Counsel within three working days hence.
5. Notice be issued to the Opposite Party Nos.2, 3, 5 & 6 by way of Speed Post / Registered Post with A.D. fixing a short returnable date. Requisites for issuance of notice shall also be filed within the time stipulated hereinabove.
6. List this matter on 25th January, 2023.

(Biswanath Rath)
Judge

I.A. No.17110 of 2022

- 02.
1. Issue notice as above.
 2. Accept one set of process fee.
 3. As an interim measure, it is directed that operation of the impugned order dated 28.11.2022 under Annexure-1 shall remain stayed for a period of four weeks.
 4. Issue urgent certified copy of this order on proper application.

(Biswanath Rath)
Judge