



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.34605 of 2025

Suresh Chandra Rath

....

Petitioner

Mr. P.K.Nanda, Advocate

-Versus-

**Odisha State Housing Board,
Bhubaneswar &
others**

....

Opposite Parties

Mr. P.K. Sahoo, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

09.12.2025

Order No.

01.

1. Heard Mr. Nanda, learned counsel for the petitioner and Mr. Sahoo, learned ASC for the State.

2. No notices are issued to opposite party Nos. 2 & 3 as the matter is disposed of at the stage of admission.

3. Instant writ petition is filed by the petitioner challenging the impugned notice dated 31st October, 2025 i.e. Annexure-3 issued by opposite party No.2 on the grounds stated therein.

4. Mr. Nanda, learned counsel for the petitioner would submit that a similar notice has been received from the Odisha State Housing Board as at Annexure-2 and therefore, the action of the Municipality is illegal. In response to the above, Mr. Sahoo, learned ASC for the State would submit that



irrespective of any such notice as per Annexure-2, opposite party No.2 is having jurisdiction to direct removal of the encroachment and rightly, issued the impugned notice i.e. Annexure-3.

5. The petitioner has been allotted a house by the State Housing Board as revealed from Annexure-1. It is also made to reveal from Annexure-2 that notice has been issued by opposite party No.1 alleging encroachment of the existing road beyond the scheme boundary adjacent to the allotted house i.e. MIG-1/70, OSHB Colony, Phase-II at Kumbha, Koraput. A similar notice has been served on the petitioner vide Annexure-3 and the same is at the instance of opposite party No.2. The allegation is that there has been encroachment of the Municipal Road, hence, the direction as per Annexure-3 to clear the same within fifteen days therefrom.

6. Considering the fact that opposite party No.1 is in seisin over the matter with the notice as per Annexure-2, the Court is of the view that the action initiated by opposite party No.2 is required to be deferred for a limited period. Considering the submission of Mr. Nanda that the petitioner is to file a reply to the show cause i.e. Annexure-2 received from opposite party No.1, the Court is of the further view that in order to avoid any such action in parallel proceedings, it would be proper to direct opposite party No.2 to keep the action in abeyance in order to enable the petitioner to reply to the show cause notice i.e. Annexure-2 received from opposite party No.1, as earlier



stated, only for a limited period and thereafter, to consider the further cause of action, if necessary.

7. Accordingly, it is ordered.

8. In the result, the writ petition stands disposed of with the direction to opposite party No.2 not to take any coercive action pursuant to Annexure-3 at least for a period of four weeks in view of the show cause notice i.e. Annexure-2 received from opposite party No.1. It is further directed that in case, any reply is received from the petitioner by opposite party No.1 followed by an order, it shall be at liberty for opposite party No.3 to consider any such action in terms of the provisions of the Odisha Municipality Act upon expiry of the above stipulated period as has been allowed in favour of the petitioner.

9. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge