

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.39883 of 2023

M/S Essay Catrer , Bhubaneswar

.... Petitioner
Mr. K.A. Guru, Advocate

-Versus-

All India Institute of Medical Sciences
(AIIMS) & Another

.... Opposite Parties
Mr. Aurovinda Mohanty, CGC

CORAM:
MR. JUSTICE R.K. PATTANAİK
ORDER
11.12.2023

Order No.
02.

1. Heard Mr. Guru, learned counsel for the petitioner and Mr. Mohanty, learned counsel for the opposite parties.
2. Mr. Mohanty, learned counsel for the opposite parties prays for an adjournment to file reply.
3. Mr. Guru, learned counsel for the petitioner submits that the canteen which is in place and run by the petitioner is presently locked and that apart, the OPP proceeding has been initiated.
4. In course of hearing, it is brought to the notice of the Court that the lease is yet to expire and valid up to 31st December, 2023.
5. Considering the submissions of learned counsel for the respective parties, the Court is of the view that the petitioner should be allowed to run the canteen provided he dismantles all the structures illegal put up by him in the meantime which lead to the issuance eviction notice i.e. Annexure-9 since any case license is valid till the end of December, 2023.

6. The impugned order vide Annexure-10 which is under challenge is at the behest of the petitioner which is with a direction to vacate the premises within fifteen days which has expired in the meantime.

7. Pending decision in the writ petition, the petitioner is hereby allowed to run the canteen subject to a condition that he shall remove the illegal structures immediately.

8. List the matter on 10th January, 2024 for final hearing and order and in the meantime, counter affidavit shall be filed by the opposite parties serving a copy of the same on Mr. Guru, learned counsel for the petitioner well in advance. In the event, if the illegal structures are dismantled and removed by the petitioner with an undertaking not to take up further construction of similar nature, opposite parties shall hand over the key or unlock the canteen so as to enable him to run the same till expiry of the license.

9. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Tudu

Signature Not Verified

Digitally Signed
Signed by: THAKURDAS TUDU
Designation: Sr. Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 12-Dec-2023 12:16:55

