
(2010) 05 OHC CK 0048
In the Orissa High Court
Case No : Writ Petition (C) No. 5874 of 2010

Dr. Harekrishna Sethi

APPELLANT

Vs

Steel Authority of India Ltd. and Others

RESPONDENT

Date of Decision : 25-05-2010

Acts Referred:

Public Premises (Eviction of Unauthorised Occupants) Act, 1971 — Section 4

Citation : (2010) 2 OLR 562

Hon'ble Judges : L. Mohapatra, J;B.P. Ray, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This writ application is directed against the orders passed by the Estate Officer, Rourkela and the appellate authority under the Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

2. The sole submission made before this Court challenging the orders is that the petitioner was not aware of any notice u/s 4 of the Act indicating the premises in respect of which the proceeding has been initiated by the Estate Officer and the grounds for eviction. As is evident from the order of the Estate Officer as well as the appellate authority, the petitioner had entered appearance before the Estate Officer and contested the proceeding and therefore now he cannot take a stand that he was not aware of the premises in respect of which the proceeding was initiated or the grounds on which the order of eviction was sought to be passed. The following decisions relied upon by the learned Counsel for the petitioner in the case of Wire-Netting Stores and Another Vs. The Delhi Development Authority and Others, ; Sheik Khalilur Raheman Vs. Estate Officer and Others, ; Smt. Kamal Ray Vs. Bhagabat Singh, ; Dr. Yash Paul Gupta Vs. Dr. S.S. Anand and Others, ; Hamsavalli and etc. Vs. The Tahsildar, Vridhachalam, South Arcot District, ; Madamsetty Satyanarayana Vs. G. Yelloji Rao and Others, ; Kylasa Sarabhiyah, Bombay Cloth Shop, Secunderabad Vs. Commissioner of Income Tax, Andhra Pradesh, ; Associated Hotels of India Ltd., Delhi Vs. S.B. Sardar Ranjit

Singh, ; Laxmipat Choraria and Others Vs. State of Maharashtra, ; Manmohan Das v. Madhunagar Powerloom Weavers" Cooperative Society and Ors. 41 (1975) CLT 697; Ramchandra Keshav Adke (Dead) by Lrs. and Others Vs. Govind Joti Chavare and Others, ; Phiray Ram v. National Airport Authority AIRport Ahmedabad and Anr. 1998 AIHC 329; K. Ibrahim Kutty v. K. Ramachandran and Ors. 1998 AIHC 332; Pamadhar Tea Company (P) Ltd. and Anr. v. Union of India and Ors. 2004 AIHC 3054; Amulya Chandra Sutradhar and Anr. v. Estate Officer AIR 1964 Tri; Promode Ranjan Sen Gupta v. Swadesh Chandra Deb AIR 1964 Tri 13; P.R. Deshpande Vs. Maruti Balaram Haibatti, and Brij Bhushan Vs. Kewal Kumar, have no application considering the fact involved in this case. The petitioner having participated in the proceeding and being aware of the premises in respect of which the proceeding had been initiated and the grounds therefore, we find no substance in the submission of the learned Counsel for the petitioner.

3. The writ application is accordingly dismissed.