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**(2024) 02 OHC CK 0230**  
**In the Orissa High Court**  
**Case No : Writ Petition (C) No.3729 Of 2024**

Hemasagar Kumbhar

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

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**Date of Decision :** 26-02-2024

**Acts Referred:**

**Citation :** (2024) 02 OHC CK 0230

**Hon'ble Judges :** R.K.Pattanaik, J

**Bench :** Single Bench

**Advocate :** J. Behera, P.K. Rout

**Final Decision :** Disposed Of

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## Judgement

R.K. Pattanaik, J

1. Heard learned counsel for the respective parties.
2. No instruction has been received from the State as it was directed pursuant to the Court's order dated 23rd February, 2024.
3. However with the consent of learned counsel for the petitioner as well as Mr. Rout, learned AGA for the State, hearing of the matter is taken up and the same is disposed of by the following order.
4. Instant writ petition is filed by the petitioner for a direction to the opposite parties to settle the schedule land as per provisions of the OGLS Act or the Odisha Land Rights to Slum Dwellers Act within a stipulated period.
5. In course of hearing, it has been brought to the notice of the Court that a notice in Form 'Ka' under Annexure-4 has been issued to the petitioner with a date fixed therein for his appearance and response.
6. Learned counsel for the petitioner submits that the petitioner is a slum dweller and he is in possession of the land in question for quite long, hence, he is entitled for its settlement, however, the same stands intervened by the notice i.e.

Annexure-4 dated 18th January, 2024. It is claimed that the petitioner has moved the authorities below with the representations dated 16th February, 2024 as at Annexure-5 series.

7. In reply to the above, Mr. Rout, learned AGA for the State submits that the petitioner should respond to Annexure-4 instead, with reply for a decision by the authority concerned, namely, opposite party No.3 notwithstanding any such action initiated at the behest of opposite party No.4.

8. Considering the facts pleaded on record and submissions of learned counsel for the respective parties, even though notice under Annexure-2 is issued by opposite party No.4, the Court is of the view that till such time, response is received from the petitioner to Annexure-4, the action is required to be deferred. In other words, the Court is inclined and in favour of providing an opportunity for the petitioner to submit a show cause/reply in response to Annexure-4 for a decision by opposite party No.3 and till then, the impugned action opposite party No.4 should be deferred as the same would rather serve the purpose and meet the ends of justice.

9. Accordingly, it is ordered.

10. In the result, the writ petition stands disposed of with the liberty allowed in favour of the petitioner to submit a reply/show cause for consideration of opposite party No.4, who on receipt of the same within ten days from today, shall consider his grievance and thereafter, to take a final decision on the same as per and in accordance with law and till such time, a final order is passed which shall be within next ten days, the impugned action by opposite party No.4 shall stand deferred.

11. Urgent certificate copy of this order be issued as per rules.

12. A free copy of this order be handed over to Mr. Rout, learned AGA for the State for its onward intimation to opposite party No.3 and also opposite party No.4 for early compliance and necessary action.

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