
(2022) 08 OHC CK 0172
In the Orissa High Court
Case No : Writ Petition (C) No. 20179 Of 2022

Narayan Behera

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 26-08-2022

Acts Referred:

Citation : (2022) 08 OHC CK 0172

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : H. Mohapatra, A. K. Sharma

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and submits, this Bench does not have assignment over the writ petition, where impugned is letter dated 2nd August, 2022 directing petitioner to vacate the shop room. The petition was moved on 12th August, 2022 and the interim order passed. His client has filed counter and also application for vacating the interim order. He submits further, the writ petition relates to entry no.2 in assignment list of the Hon'ble Dr. Justice, B.

2. Mr. Mohapatra, learned advocate appears on behalf of petitioner and submits, the writ petition is covered by entry no.3 in assignment list of this Bench. His client is in possession of the shop, which is an establishment under the Act. He relies on a Division Bench judgment of this Court in Dr. Nirupama Rath vs. State of Orissa, reported in 1996 (I) OLR 282, paragraph 5. He submits, this Bench proceed with adjudication of the writ petition and there be direction upon State to serve copy of counter and the vacating application.

3. On query from Court Mr. Mohapatra has not been able to show a provision in Odisha Shops and Commercial Establishments Act, 1956 that provides for

eviction from a shop room. It appears, the contention of State regarding assignment is accepted. The writ petition is released from the list and forthwith be placed before the Bench having assignment.

4. Since the order is not upon adjudication on merits, it will have no effect on subsistence of the interim order.

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