

(2023) 06 OHC CK 0023
In the Orissa High Court
Case No : Writ Petition (C) No.18082 Of 2023

Parameswar Bal

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 06-06-2023

Acts Referred:

Citation : (2023) 06 OHC CK 0023

Hon'ble Judges : Biraja Prasanna Satapathy, J

Bench : Single Bench

Advocate : J.K. Mohapatra, P.K. Rout

Final Decision : Disposed Of

Judgement

Biraja Prasanna Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. J.K. Mohapatra, learned counsel appearing for the Petitioner and Mr. P.K. Rout, learned A.G.A.
3. This is the second journey of the Petitioner before this Court seeking protection from the demolition to be effected in terms of the notice issued under Annexure-2. 3.1. Learned counsel for the Petitioner contended that challenging the notice issued under Annexure-2, the Petitioner had earlier approached this Court in W.P.(C) No.6044 of 2023. This Court taking into account the submissions made by the learned counsel for the Petitioner that the Petitioner will vacate the encroached land within a period of three months, disposed of the Writ Petition vide order dt.01.03.2023. It is contended that because of the marriage of the petitioner's daughter which is fixed to 20.06.2023, the Petitioner could not comply the undertaking so given before this Court in W.P.(C) No.6044 of 2022. It is also contended that seeking extension of another three months' time, the Petitioner though filed I.A. No.7311 of 2023, but the same could not be taken up by the concerned court even though the matter was listed on 18th May,

2023. It is also contended that in terms of the order passed by this Court on 01.03.2023, the authorities are in the process to demolish the house of the Petitioner constructed over the encroached land on 08.06.2023.

3.2. Learned counsel for the Petitioner further contended that in view of the marriage which has been fixed to 20th of this month, if the house in question will be demolished, the Petitioner will be seriously prejudiced. Learned counsel for the Petitioner contended that the Petitioner is ready to vacate the encroached land by 7th July, 2023. In view of such undertaking given by the learned counsel for the Petitioner, this Court while disposing the Writ Petition allow the Petitioner to remain in occupation of the building so constructed over the encroached land till 7th July, 2023. If after 7th July, 2023, the Petitioner does not vacate the encroached land, Opp. Party No.3 will be at liberty to demolish the same without issuing any further notice to the Petitioner.

The Writ Petition is accordingly disposed of.

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