
(2021) 07 OHC CK 0165

In the Orissa High Court

Case No : Writ Petition (Civil) No. 19481 Of 2021

Rakesh Kumar Samal

APPELLANT

Vs

State Of Odisha And Other

RESPONDENT

Date of Decision : 20-07-2021

Acts Referred:

Orissa Municipal Act, 1950 — Section 337(8)

Citation : (2021) 07 OHC CK 0165

Hon'ble Judges : K.R. Mohapatra, J

Bench : Single Bench

Advocate : Biswa Prakash Dhal

Judgement

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K.R. Mohapatra, J

1. This matter is taken up through video conferencing mode.
2. The Petitioner in this writ petition seeks for a direction to set aside the notice dated 09.06.2021 (Annexure-3) issued by the Executive Officer, Angul Municipality, Angul-Opposite Party No.3 for eviction of the Petitioner from the shop room No.1 at Gopabandhu Park, Angul.
3. It is submitted by Mr. Dhal, learned counsel for the Petitioner that the Petitioner is a licensee in respect of the shop room constructed by the Angul Municipality and the license was up-to March, 2021. Accordingly, the Petitioner applied for renewal of the license by submitting an application and following due procedure of law. Till date, no reply has been received by the Petitioner with regard to the fate of such renewal. He, therefore, submits that in view of the provision under Section 337 (8) of the Orissa Municipal Act, 1950 (for short, 'the Act'), the license is deemed to have been

renewed. However, when the matter stood thus and the Petitioner is earning his livelihood from the said shop room, he is surprised to receive notice

No.2282 dated 09.06.2021 (Annexure-3) issued by the Executive Officer, Angul Municipality, Angul directing his eviction for construction of health

corridor. It is his submission that in the Pandemic situation, the Petitioner is earning his livelihood in much difficulty and such a notice under Annexure-

3 has come like bolt from the blue. The Executive Officer has not followed due procedure of law while issuing such notice. Ventilating his grievances

the Petitioner has submitted a representation to the Executive Officer, Angul Municipality, Angul on 28.06.2021 (Annexure-4) which is pending

consideration. He, therefore, prays for the aforesaid relief.

4. Taking into consideration the submissions made by learned counsel for the parties, this Court feels that since the representation of the Petitioner as

at Annexure-4 is still pending with the Executive Officer, Angul Municipality, Angul, he should take a decision in the matter before taking action on the

notice under Annexure-3.

5. It is accordingly directed that on production of an authenticated copy of this order within a period of two weeks hence, the Executive Officer, Angul

Municipality, Angul-Opposite Party No.3 shall do well to take a decision on the representation dated 28.06.2021 (Annexure-4) filed by the Petitioner

and pass a reasoned order thereon, as expeditious as possible preferably within a period of seven days therefrom. Till a decision is taken on the

representation of the Petitioner as at Annexure-4, no coercive action shall be taken for eviction of the Petitioner from his shop room in question, if not

already evicted.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order

available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide

Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.