

2. 28.12.2018

Heard Mr.K.C.Kar, learned counsel for the petitioner.

In this writ petition, the petitioner assails the notice/letter dated 24.11.2018 (Annexure-2) passed by the Assistant Administrative officer (Urban), Odisha State Housing Board, Bhubaneswar (O.P. No.2), wherein he (the petitioner) has been directed to demolish the unauthorized construction over the land, more fully described in the said letter within a period of 15 days of receipt of the notice failing which the action as would be just and proper shall be taken and the allotment would be cancelled.

Learned counsel for the petitioner submits that no notice pursuant to Section 45 of the Odisha State Housing Board Act, 1968, has been issued to him which is mandatory in nature. Hence, the impugned letter is bad in law and cannot be given effect to. He therefore, submits that the petitioner may be given an opportunity before taking action under the impugned letter/notice Annexure-3.

Taking into consideration the limited nature of the prayer made by Mr.Kar, learned counsel for the petitioner, this Court disposes of the writ petition with a direction that in the event, the petitioner submits a representation pursuant to letter/notice dated 24.11.2018 (Annexure-2) before opposite party No.1-Secretary, Odisha State Housing Board, Bhubaneswar within a period of fifteen days, he shall do well to consider and dispose of the same within a period of four weeks from the date of receipt of the said representation by passing a reasoned order. No coercive action shall be taken against the petitioner pursuant to letter/notice under Annexure-2 till disposal of

such representation, if submitted within the stipulated time. It is made clear that this Court expresses no opinion on the merits of the case of the petitioner. The writ petition is disposed of only to give an opportunity to the petitioner in compliance of Section 45 of the Odisha State Housing Board Act, 1969.

Issue urgent certified copy of the order on proper application.

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**K.R.Mohapatra, J.**  
**(Vacation Judge)**