

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 17388 of 2023**

***Balaram Das***

....

***Petitioner***

Mr. S.K. Baral, Advocate

*-versus-*

***State of Odisha and others***

....

***Opposite Parties***

Mr. S. K. Samal, AGA  
Mr. D. Mohapatra, Adv (BDA)

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**30.05.2023**

**Order No.**

- 02.
1. Heard learned counsel for the petitioner and learned counsel for the State.
  2. By order dated 25.05.2023 while posting this matter to this day, this Court took note of the submission made by the learned counsel for the BDA on the basis of instruction from the Additional Commissioner Enforcement that there is no eviction drive in respect of plot No.46 under Khata No.64 of Mouza Subudhipur Tahasil, Bhubaneswar at the instance of the BDA.
  3. Since it was vehemently asserted by the learned counsel for the petitioner that the eviction is being taken up at the instance of the State functionaries, learned counsel for the State was requested to obtain instruction in this regard.
  4. Instruction received by the learned counsel for the State from the Tahasildar is taken on record.

5. The relevant portion of the instruction is quoted hereunder for ready reference.

“It is humbly submitted that the suit land i.e. Khata No.64, Plot No.46, Ac.0.0005 dec of mouza Subudhipur stands recorded as Rakhita Anabadi. Further it is submitted that as ascertain, no encroachment case has been initiated upon the said suit land under O.P.L.E Act and no eviction notice has been issued in the matter by Tahasildar, Bhubaneswar, O.P. No.5.”

6. Considering the same, since there is no imminent threat of eviction, the Writ Petition is disposed of giving liberty to the petitioner to renew his prayer, if there is any fresh cause of action. Interim order stands vacated.

7. Before parting with the case, the State authorities shall do well to consider with empathy as to whether eviction drive(s) are essential to be taken up during the scorching heat and exposing the evictees to the vagaries of nature or it can be deferred for the time being, on humanitarian grounds.

8. Issue urgent certified of this order as per rules.

9. Copy of this order be handed over to the learned counsel for the State for onward transmission.

**(V. NARASINGH)**  
***Vacation Judge***

*Santoshi/Ayesha*

**Signature Not Verified**

Digitally Signed  
Signed by: AYESHA ROUT  
Designation: Junior Stenographer  
Reason: Authentication  
Location: High Court of Orissa  
Date: 31-May-2023 15:23:40

