IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 34977 of 2026

CNR No. ODHC010833072026

Sunita Behera … ***Petitioner***

Mr. P. Behera, Advocate appearing on behalf of
Mr. T.K. Biswal, Advocate

-versus-

State of Odisha and others … ***Opposite Parties***

Mr. J.K. Khandayatray, ASC

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):06.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. The petitioner by way of this Writ Petition seeks to challenge Annexure-4, which is a notice issued on 20.07.2026 by the officer of BMC.

3. Heard, Mr. Pitambar Behera, learned Advocate appearing on behalf of Mr. Tapan Kumar Biswal, learned counsel for the petitioner and Mr. Jayant Kumar Khandayatray, learned ASC in the matter and perused the record.

4. It is contended on behalf of the petitioner that she has already been included in USHA SURVEY and identified as a slum dweller for allotment of an alternative suitable site, but the petitioner has been illegally issued with Annexure-4 to vacate the land within seven days of its receipt and therefore, the petitioner apprehends eviction at the hand of BMC officials. It is accordingly, prayed on

behalf of the petitioner to protect her till an alternative suitable land is allotted in her favor.

5. After having considered the rival submission and upon perusal of record, since the petitioner claim for an alternative suitable land pending her vacation/eviction from the present land under Annexure-3 and the notice of eviction having been issued around four months ago, there is no imminent threat of eviction of the petitioner from the land in question, but in case the authority undertakes to evict the petitioner, they are supposed to follow due process of law and the guidelines issued by the Apex Court in ***Re: Directions in the matter of demolition of structure; 2024 INSC 866***.

6. In the aforesaid facts and situation and on consideration of the simple claim of the writ petitioner and taking into account the principle of law, this Court disposes of the writ petition by directing the authority concern not to proceed against the petitioner for evicting her from the land under Annexure-3 without due process of law. This Court, however, clarifies that the authority concerned may proceed with the eviction by following the necessary law and rules made applicable thereto including the guidelines as issued by the Apex Court in ***Re: Directions in the matter of demolition of structure; 2024 INSC 866***.

Annexure-3 & 4 do form part of the order.

Signature Not Verified
Digitally Signed
Signed by: JAYAKRUSHNA DASH
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Kataka
Date: 06-Nov-2026 18:39:53

(G. Satapathy)
Judge

Jayakrushna