IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.36655 of 2026

CNR No. ODHC010719832026

Amitabha Samantaray ... ***Petitioner***

Mr. U.Mishra, Advocate

-versus-

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

Mr.P.K.Mohanty, ASC

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL): 13.11.2026

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 for direction to OP No.3 not to evict him or demolish his OMFED booth vide No. B0662 without making any provision for its relocation.

3. In the course of hearing, Mr.Umakanta Mishra, learned counsel for the petitioner submits that although the petitioner is running the OMFED Booth No. B0662, but the authority concerned without giving any written notice has asked him orally to vacate the Booth for widening of the road, however, since the right to life of the petitioner is dependent upon running of the OMFED Booth and, therefore, the petitioner should not be evicted from the aforesaid OMFED Booth or his OMFED Booth should not be demolished without considering for its relocation. Mr.Mishra, accordingly prays to direct the authority to

consider the relocation of OMFED Booth of the petitioner.

4. On the other hand, Mr.Prem Kumar Mohanty, learned ASC submits that the petitioner cannot be evicted from his OMFED Booth and cannot be demolished without due process of law, but if the Booth is an impediment or an obstruction for widening of the road, the authority can proceed for eviction of the petitioner and demolition of the Booth in accordance with law.

5. After having considered the rival submissions and upon perusal of record, there appears no dispute about the petitioner running the OMFED Booth No. B0662 which is evident from Annexure-2, a letter issued by Marketing-in-Charge, Bhubaneswar Dairy to the petitioner, but the Marketing Head of OMFED has communicated to the Commissioner, Bhubaneswar Municipal Corporation-OP No.3 under Annexure-6 for consideration of relocation of the OMFED Booth run by the petitioner and others and the name of the petitioner also figured out in the list submitted by the Marketing Head at Serial No. 97 of Annexure-6. It cannot be disputed that the livelihood of the petitioner is dependent upon the running of over OMFED Booth No. B0662, but demolishing such Booth without providing any opportunity and relocation of the same would definitely cause serious hardship to the petitioner.

6. In the aforesaid facts and situation and on consideration of the materials and documents placed on record together with the grievance of the petitioner for relocation of the Booth, this Court without delving into the matter on merit disposes of the writ petition by directing the authority-cum-OP No.3 to consider the case of the petitioner sympathetically for relocation of the OMFED Booth, but the same has to be done in accordance with law.

7. Needless to say, this Court has not observed anything on merit and the authority concerned is free to pay any order in accordance with law.

(G. Satapathy)
Judge

kishore

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Signed by: KISHORE KUMAR SAHOO
Reason: Authentication
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