

JAI MANGLA HARIJAN KALYAN SAMITI

A

v.

STATE OF ORISSA AND ORS.

MARCH 3, 1997

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

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*Ejectment—Encroachment upon public premises—Unauthorised tenements put up within the compound of hospital—Order of High Court to remove all the encroachments inside the campus—Petitioners contending that taking aid of the orders of High Court, their tenements which are stated to be outside the campus are also being removed—Held, Order of High Court is perfectly correct as regards ejectment of encroachers having unauthorised huts within the campus of the Hospital—If any action is taken against those who are residing outside the campus they would approach to the High Court which would consider individual cases and pass orders in accordance with law.*

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CIVIL APPELLATE JURISDICTION: Civil Appeal Nos. 1830-31 of 1997.

From the Judgment and Order dated 12.3.96/2.9.96 of the Orissa High Court in O.J.C. No. 1415/96 and O.J.C. No. 9123 of 1996.

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Anil Kumar Gupta-II for the Appellant.

P.N. Misra for the Respondents.

Mrs. Usha Kumar and Anis Suhrawardy for the Respondent No. 18.

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The following Order of the Court was delivered :

Leave granted. We have heard learned counsel on both sides.

These appeals, by special leave, arise from the orders of the Orissa High Court, made on March 12, 1996 and September 2, 1996 in OJC Nos. 1415/96 and 9123/96 respectively. The High Court in the impugned order has directed as under.

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"We direct the concerned authorities to locate and remove all the encroachments inside the campus within three months from today. If necessary, assistance of the police shall be taken for such

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A removal. The Superintendent of Police in his affidavit has stated that in case police assistance is necessary, same shall be provided."

B It is contended for the appellants that their tenements are situated outside the campus, but taking aid of the order passed by the High Court they are being forcibly ejected. It is stated by Mr. P.N. Misra, counsel appearing for the State, that action is being taken for ejection of all those who have trespassed and put up tenements within the compound of the hospital and no action has been taken, vis-a-vis those who are having the tenements outside the campus. In view of the specific stand taken by the Government, apprehension of the appellants that they would be ejected, if their tenements are really outside the campus, is unfounded. It is, therefore, made clear that the order of the High Court is perfectly correct as regards the ejection of all those encroachers having unauthorised huts etc. within the campus of the hospital which is required to maintain hygienic conditions. Therefore, the action taken and the directions issued are perfectly in order. If any such action is taken, vis-a-vis those who are residing outside the campus by taking advantage of the order passed by the High Court, it would be open to them to go to the High Court and place the necessary material before the High Court for consideration. The High Court would look into the individual cases and pass appropriate orders according to law.

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E The appeals are accordingly disposed of. No costs.

R.P.

Appeal disposed of