

Jai Mangla Harijan Kalyan Samiti

Vs

State of Orissa and Others

Civil Appeals Nos. 1830-31 of 1997

(K. Ramaswamy, G. T. Nanavati JJ)

03.03.1997

ORDER

1. Leave granted. We have heard the learned counsel on both the sides.
2. These appeals, by special leave, arise from the orders of the Orissa High Court, made on 12-3-1996 and 2-9-1996 in OJCs. Nos. 1415 of 1996 and 9123 of 1996 respectively. The High Court in the impugned order has directed as under :

"We direct the authorities concerned 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 removal. The Superintendent of Police in his affidavit has stated that in case police assistance is necessary, the same shall be provided."
3. 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, the 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, the 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.
4. The appeals are accordingly disposed of. No costs.