

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 16 of 2019

Sudhansumala Kanhu Charan ***Appellant***
Mission, Bhubaneswar

Mr. J.K. Khuntia, Advocate

-versus-

State of Orissa and others ***Respondents***
Mr. Ishwar Mohanty
Additional Standing Counsel for State

CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN

ORDER
10.11.2022

Order No.

04. 1. The challenge in the present writ appeal is to an order dated 9th January, 2019 passed by the learned Single Judge dismissing W.P.(C) No.17916 of 2008 filed by the present Appellant questioning the non-renewal of an allotment of Government quarters in favour of the Appellant-Organization beyond 31st July, 2008. The learned Single Judge has in a cryptic order observed as under:

“Heard.

Considering the pleadings made herein and the relief sought for, this Court finds, for the interim protection, the petitioner has over-enjoyed the quarter directed to be vacated by the petitioner, this Court is not inclined to continue the writ petition any further and the writ petition thus stands dismissed. Interim order dated 23.12.2008 passed in Misc. Case No.15365/2008 stands vacated.”

2. While issuing notice in the present writ appeal on 25th January 2019, this Court directed that status quo as regards the possession be maintained and that status quo order has continued. Therefore, by virtue of the interim orders, for the last 14 years, the Appellant continues to remain in possession of the said Government quarters. Learned counsel appearing for the Appellant adds that the Appellant has been regularly paying rent. It may be noted that on the side of the State, no application has been filed for vacating the status quo order.

3. In Para-3 of the writ petition, the Appellant has averred that it undertakes “free legal-aid services to the poor once in a week, free tutorial and coaching from Standard 10 to +3 level to meritorious poor students three days in a week. Besides this, the organization also provides library, reading room, accidental help and also has taken up distribution of relief materials to the victims of natural calamities and fire accidents”. Various other activities of the Appellant are also described in paras 3 to 5 of the writ petition.

4. A perusal of the counter affidavit filed by the Respondent-State in the writ petition reveals that it was not a para-wise reply. It was stated that after the first renewal of the lease from 3rd July, 2006 to 31st July, 2008, it was decided not to continue the license/agreement since there was an acute shortage of Type-V Government quarters and a large number of Officers were in the queue for allotment of Government quarters.

5. The fact remains that the State Government did not explain how after granting renewal of the license from 3rd July, 2006 to 31st July,

2008, it was suddenly decided not to renew it. Even at the initial time of allotment of the Government quarters from 3rd July, 2004 onwards, there must have been an acute shortage of Government quarters to be allotted to the Officers in queue. Therefore, that could not by itself be a valid reason not to grant a further renewal of the license. Moreover, there has been no para-wise reply to the writ petition and, in particular, the averments in paras 3 to 5 of the writ petition where the work undertaken by the Appellant-Organization has been explained. This was required to be answered by the Government.

6. The impugned order does not discuss either the averments in the writ petition or the averments in the counter affidavit and, therefore, this Court is unable to appreciate the exact reasons that weighed with the learned Single Judge for rejecting the pleas of the Appellant in support of the prayers in the writ petition.

7. Consequently, the impugned order of the learned Single Judge is hereby set aside and W.P.(C) No.17916 of 2008 is restored to the file of the learned Single Judge in the Roster Bench, where it will be listed for hearing on 1st February, 2023. The Government will file a para-wise reply to the writ petition on or before 16th January, 2023 and rejoinder thereto, if any, will be filed before the date fixed before the learned Single Judge. No further time will be granted for the purpose.

8. The learned Single Judge is requested to proceed with hearing the writ petition on merits and dispose it of as expeditiously as

possible. During the pendency of the writ petition, the interim order passed by this Court on 25th January, 2019 will continue.

9. The writ appeal is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S. Behera

