

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 3286 of 2012

Sabita Nayak

.....

Petitioner

Mr. K.P. Mishra, Advocate

Vs.

State of Orissa & Ors.

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

18.04.2022

Order No.

6

This matter is taken up through hybrid mode.

2. Heard Mr. A. Mishra on behalf of Mr. K.P. Mishra, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate.

3. The petitioner has filed this writ petition seeking direction to opposite party no.3-Tahasildar, Puri to dispose of the Urban Lease Case No.4 of 2011 within a stipulated period.

4. Mr. A. Mishra, learned counsel for the petitioner submitted that the petitioner, having D.I.C. Reg. No.210181101639, has made grievance vide Annexure-4 for grant of permanent lease of Government land for establishment of a packaged drinking water over Plot No.51, Plot No.53/361 and Plot No.53/362 corresponding to Khata No.-88.

5. Mr. P.P. Mohanty, learned Additional Government Advocate referring to paragraph-7 of the counter affidavit filed by opposite parties no.1 & 2 stated that as per para-16.1 of the Orissa Industrial Policy, 2007 published vide resolution

No.3391/1 dated 02.03.2007 of Industries Department, Govt. of Orissa, the Govt. land earmarked for industry under the “Land Bank” Scheme of IDCO and other Govt. land wherever available may be allotted for industrial units including infrastructure projects. But the land in question is not coming within the same. Therefore, the petitioner is not entitled to get the benefit, as claimed, in the writ petition. Further, referring to counter affidavit filed by opposite party no.3, he also submitted that the land in question is within residential zone of the Puri Town and setting up of an industry may not be permissible as the Master Plan has not been approved by RDC as per the OGLS Act and Rules. Further, the DSWCA has already rejected the application of the petitioner, and that the Urban Lease Case No.4 of 2011 will be disposed of accordingly.

6. As request was made in the year 2012 and now it is 2022, in the meantime 10 years have passed. Be that as it may, looking into the prayer made by the petitioner and the averments made in the counter affidavits, as recorded above, the petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE