

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.1535 Of 2019
(Through hybrid mode)**

Dr. Pratap Kumar Mishra

....

Petitioner

Mr. M.K.Dash, Advocate

-versus-

Jagannath Bastia

....

Opposite Party

In Person

CORAM: JUSTICE ARINDAM SINHA

**ORDER
28.03.2022**

Order No.

04.

1. Mr. Dash, learned advocate appears on behalf of petitioner, who is Managing Director of Orissa Co-Operative Housing Corporation Limited. He submits, his client is aggrieved by award dated 5th April, 2018, passed ex-parte against his client, by the Permanent Lok Adalat (PLA), Puri. Opposite party appears in person.

2. Perused the award. It appears, opposite party paid full consideration and had sale deed executed in his favour on 24th January, 2014, duly registered. On getting conveyance of the land from petitioner (Co-operative), he applied for sanction to build house, but sanction was refused on the ground that construction is not possible as the plot is situate in open space area of lay out plan duly approved by

Puri Konark Development Authority. It is since then he has been running from pillar to post and ultimately to the PLA for relief.

3. By impugned order the Lok Adalat directed in the alternative. Petitioner could either provide a suitable plot in exchange of plot sold to opposite party or refund consideration amount as per present bench mark valuation of the Government. Mr. Dash, submits, present bench mark valuation is as on date of award, being 5th April, 2018 and interest thereon be reduced to 6% per annum, from date of award till date of payment.

4. On query from Court as to whether petitioner will pay present benchmark valuation, Mr. Dash, submits, his client will comply with the award.

5. Petitioner will refund, at benchmark valuation as on 5th April, 2018, value of 1750 sqft. of the land, in the area, sold for residential purpose. Petitioner will pay on that value, interest at 9 % per annum simple on and from 5th April till date of payment of principal and interest. In addition, petitioner will also compensate the costs of registration and stamp duty paid by opposite party, as directed in the award.

7. On payment as directed above, opposite party will return

original sale deed to petitioner, as cancelled.

8. With above directions the writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant

