

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3036 of 2022

Susanta Kumar Sarangi

....

Petitioner

Mr. R. Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.03.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned counsel for the State.

3. The present writ petition has been filed by the Petitioner with the following prayer:-

i. Issue a writ directing the Opp. parties not to give effect the instructions contained in the letter dtd. 7.6.2019 as under Annexure-5 to the case of the present Petitioner;

ii. Issue a writ in the nature of mandamus directing the Opp.parties to continue to extend the benefits of RACP to the Petitioner in conformity with the order dtd.19.1.2018 as under Annexure-4.

And may further be pleased to pass such other order/orders as may be deemed fit and proper.

4. It is submitted by learned counsel for the Petitioner that the Petitioner has been filed a representation before the Collector, Nayargh-Opposite Party No.5 on 08.12.2021 and the Opposite Party

No.5 has not considered the grievance of the Petitioner as of now. He further submits that the dispute involved in the case has already been adjudicated by Annexure-6 for reference.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the representation of the Petitioner within a stipulated period of time.

6. Considering the aforesaid submissions, this Court disposes of the writ petition with a direction to the Collector, Nayargh-Opposite Party No.5 to consider the representation of the Petitioner dated 08.12.2021 under Annexure-7 within a period of two months from the date of production of certified copy of this order in accordance with law. The representation of the Petitioner shall be considered by the Opposite Party No.5 in the light of the judgment in the case of **State of Odisha-vrs.-Biharilal Barik** decided by this Court in **W.P.(C) No.20358 of 2017** decided on 23.08.2017. The writ petition stands disposed of directing the Competent Authority to dispose of the case of the Petitioner by undertaking the entire exercise within a period of two months from the date of communication. It is needless to mention here that the representation of the Petitioner shall be considered by a speaking and reasoned order on the same. Any decision taken on the same shall be communicated to the Petitioner within a period of ten days thereafter.

7. With the aforesaid direction, the writ petition stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge