

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 3673 of 2022

K. Rajendra Patro

.....

Petitioner

Mr. J. Sahoo, Adv.

Vs.

**Odisha Forest Development
Corporation Ltd. and others**

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

18.02.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. The petitioner has filed this writ petition seeking direction to the opposite parties for allotment of Lot No.4 and 25/20, Budhighati and Budhighati-mix of Cashew plantation in his favour within a stipulated time.

3. Mr. J. Sahoo, learned counsel for the petitioner contended that though the petitioner had deposited the EMD amount, the same was refunded by the authority on 25.01.2022, document of which has been annexed at page-11 of the writ petition and, as such, the same was with regard to re-sale of lots as per Annexure-2 series. It is contended the amount which had been deposited by the petitioner having been refunded, the authority cannot and could not have allotted the same in favour of a defaulter person.

4. As it appears, in paragraph-5 of the writ petition the petitioner has pleaded that tender of one Mina Rani Panda has been forfeited, as she was a defaulter. But she has been allotted the same again by the authority by refunding the EMD deposited by the petitioner. But as it appears, the petitioner has not impleaded the said Mina Rani Panda as party to the writ petition. Thereby,

the writ petition suffers from non-joinder of proper party, for which this Court is not inclined to entertain this writ petition.

5. However, in course of hearing, learned counsel for the petitioner states that the petitioner may be permitted to withdraw the writ petition with liberty to file a fresh writ petition with better particulars.

6. In the above view of the matter, the writ petition stands disposed of as withdrawn with liberty aforesaid.

(DR. B.R. SARANGI)
JUDGE

Ashok



(V. NARASINGH)
JUDGE