

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.7690 Of 2017  
(Through hybrid mode)**

***Lingaraj Naik***

....

***Petitioner***

Mr. A.K. Pradhan, Advocate

*-versus-*

***Secy, OSHB, BBSR and others***

....

***Opposite Parties***

Mr. D.C. Dhal, Advocate

**CORAM: JUSTICE ARINDAM SINHA**

**Order  
No.**

**05.**

**ORDER  
16.03.2022**

1. Mr. Pradhan, learned advocate appears on behalf of petitioner and submits with reference to orders dated 14<sup>th</sup> and 23<sup>rd</sup> February, 2022 that there be directions in the writ petition to give relief to his client in obtaining conveyance of the property from opposite party nos. 1 and 2. Mr. Dhal, learned advocate appears on behalf of said opposite parties and today draws attention to paragraph-10 in the writ petition to submit, opposite party no.3 (daughter of petitioner) must join in the conveyance.

2. Relevant texts of orders dated 14<sup>th</sup> and 23<sup>rd</sup> February, 2022 are reproduced below.

Order dated 14<sup>th</sup> February, 2022.

*“1. Mr. Pradhan, learned advocate appears on behalf of petitioner and submits, wife of his client*

*was applicant for a house from opposite party no.2. She died. Balance payment in respect of the house was thereafter made by his client. Children of his client have also given their consent for substituting his client as applicant.*

*2. The original application was made in year, 2011. His client's wife died in year 2013. Entire payment was made by year, 2016. Opposite party no.2 has still not conveyed the house or given possession to his client.*

*3. Mr. Dhal, learned advocate appears on behalf of opposite party nos.1 and 2 and draws attention to paragraph 6 in the counter. He submits, petitioner and his children have been substituted as legal heirs of applicant. He submits further, copy of the counter will be served by tomorrow."*

Order dated 23<sup>rd</sup> February, 2022.

*"1. Mr. Dhal, learned advocate, appears on behalf of opposite party nos.1 and 2 and draws attention to following in paragraph 6 of his clients' counter.*

*"6. ....The legal heirs have been intimated vide letter No.10725, dtd. 13.07.2016 regarding change of allotment and requested to submit affidavit on permanent, present address and family detail copies of photograph, specimen signature for record. Sri Lingaraj Nayak has submitted the affidavit without photograph and other legal heirs have not submitted any document*

*till date.”*

*2. Mr. Pradhan, learned advocate appears on behalf of petitioner and submits, the requirements have been complied with.”*

Paragraph 10 in the writ petition is also reproduced below.

*“10. That the petitioner fairly submits that the entire dues has already been paid which comes to an amount of Rs.12,00,000/- (Twelve Lakhs). But due to non cooperation of the opp. Party no.3 the petitioner could not able to submit agreement paper acknowledging the advance possession of the Housing building under social house building scheme”*

3. Opposite party no.3 was served and learned advocate engaged, filed power. Said opposite party goes unrepresented.

4. Mr. Pradhan draws attention to annexure-7 in his client's rejoinder, being letter dated 14<sup>th</sup> October, 2019, under cover of which there was submission of affidavit and specimen signature with self attested photograph of legal heirs in respect of the property. The letter bears acknowledgment of receipt by opposite party no.1, on 14<sup>th</sup> October, 2019.

5. Opposite party no.1, through opposite party no.2 or the officer duly authorized in that behalf, will forthwith execute conveyance in respect of the property in favour of petitioner. It cannot and will not insist on presence of opposite party no.3. The conveyance may carry

recital of the writ petition and orders made therein and is to be executed within two weeks of communication.

6. The writ petition is disposed of.

**(Arindam Sinha)**  
**Judge**

*Sks*

