

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C). No.8198 of 2022

Subhranshubala Parhi

....

Petitioner(s)
Mr. D.R.Bhokta,
Advocate

-versus-

State of Odisha & Ors.

....

Opp. Party(s)
Mr.U.K.Sahoo, ASC.
Mr.S.Swain, Advocate

CORAM:
JUSTICE BISWANATH RATH

ORDER
08.04.2022

Order No.

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1. Heard learned counsel appearing for the parties.
2. This writ petition involves the following prayer:

“The petitioner, therefore, prays that this Hon’ble Court be graciously pleased to issue a Rule Nisi calling upon the opposite parties to show cause as to why a writ of mandamus or any other appropriate writ or writs shall not be issued;

i) Quashing the demand of interest as claimed under Annexure-14 i.e. letter dated 16.02.2022

ii) Further directing the opposite party No.2 and 3 to issue allotment letter in favour of the petitioner in respect of plot bearing No.13-2C/629 in Sector-13 of Bidanasi Project Area and handed over possession immediately preferably within a period of four weeks;

iii) To calculate the interest in respect of the initial deposit of Rs.75,500/- from 31.03.2004 to till date and refund the same.

iv) Further a direction may be issued to the Opp. Party No.2 to issue NOC in favour of the Petitioner to enable her to get financial assistance from the Bank;

v) If the opposite parties fail to show-cause or show insufficient cause to make the said rule absolute; and

vi) To pass such other order/orders and to issue such other writ/writs as would afford complete relief to the petitioner;

And for this act of kindness, the petitioner shall as in duty bound ever pray.”

3. In course of argument, it has been brought to the notice of the Court through Annexure-14 that in spite of petitioner depositing the entire amount, the authority is illegally asking for a sum of Rs.61,195/- towards interest for default in payment. At this point of time, this Court finds petitioner has already an objection to the demand at Annexure-14

vide Annexure-16. Undisputedly, such objection is pending consideration. For the pending consideration on the issue of interest, this Court finds there is no scope for issuing NOC at this stage unless until the issue of interest is resolved. In the process, this Court in disposal of the writ petition only observes in the Development Authority is in receipt of the objection of the petitioner dated 18.03.2022 vide Annexure-16 against the demand at Annexure-14, the same may be decided at least within a period of three weeks from the date of communication of certified copy of this order and the outcome in the process of consideration be communicated to the petitioner within a period of one week thereafter. Dependent on the ultimate outcome, if the authority finds there is no discharge of due against the petitioner, may consider for grant of NOC.

(Biswanath Rath)
Judge

Sks

