

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 8355 of 2022

Amita Choudhury

.....

Petitioner

Mr. S. Rout, Advocate

Vs.

State of Odisha & Others

.....

Opposite parties

Mr. P.P. Mohanty, A.G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

06.04.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S. Rout, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate.

3. The petitioner has filed this writ petition seeking direction to opposite parties no.1 to 3 to declare the recovery of royalty amount of Rs.25,697/- as erroneous, unauthorized and arbitrary and to refund the excess amount of royalty of Rs.85,549/- in respect of the work “Improvement to Road and CD and Maintenance works under Pradhan Mantri Gram Sadak Yojana (PMGSY IAP-1) bearing package No.OR-27-169/IAP-1 under District of Rayagada” in terms of calculation made in representation dated 30.08.2021 under Annexure-8.

4. Mr. S. Rout, learned counsel for the petitioner contended that earlier the petitioner had also approached this Court by filing W.P.(C) No. 35658 of 2020 to consider her grievance with regard to refund of excess royalty and this Court disposed of the said writ petition vide order dated 12.01.2021 directing the opposite parties to consider the grievance of the petitioner in the light of *Akuli*

Charan Das v. State of Orissa and others and batch of cases, *2006 (Supp.-II) OLR 672* and further directed that in case the petitioner is found to be entitled to get refund of any amount, the same shall be refunded to him within four months. In compliance thereof, determination was made vide Annexure-6 dated 08.04.2021, wherein it is stated that the petitioner is liable to pay Rs.25,697/- to the Department. But the petitioner is disputing the said amount stating that he is not liable to pay the same.

5. Mr. P.P. Mohanty, learned Additional Government Advocate contended that since the claim of the petitioner is disputed one, this Court should not interfere with the same.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, since the amount of royalty is disputed, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to approach the appropriate authority ventilating her grievances, if she is so advised.

7. With the above observation, the writ petition is disposed of.
Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE