

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.7773 of 2019

Sabysachi Tripathy

....

Petitioner(s)
Petitioner in person

-versus-

*Secretary, Deptt. of Housing & Urban
Development.*

....

Opp.Party(s)
Mr.S.Das, Advocate,
Miss. S.Das,
Advocate

CORAM:
JUSTICE BISWANATH RATH

ORDER
06.04.2022

Order No.

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1. Heard Mr.Tripathy, the petitioner in person and Miss. Das, learned counsel appearing for the Bhubaneswar Development Authority.

2. The writ petition involves the following prayer:-

It is therefore, humbly prayed that this Hon'ble court be graciously pleased to issue "Rule Nisi" calling upon the Opposite Parties as to why :-

i. The petitioners awkward irregular shaped trapezium type plot No. 134 in Prachi Enclave shall not be made a regular shape one either by allotting a small piece of land of 604sq. ft. or by making the same plot into 60ft x 30ft a rectangular one.

ii. The Opp. Parties shall not pay the damages for causing legal injury & irreparable & wrongful loss from all angles as narrated in Para 12 of this petition which amount to be deposited before the National Armed Forces welfare Fund out of which Rs. One shall be paid to the petitioner as a token gesture;

And if the Opp. Parties fails to show cause or show insufficient cause the said RULE NISI be made absolute;
And pass any other orders/ directions/ writs in the nature of Mandamus as deem fit and proper;

And for which act of kindness, the petitioner shall as in duty bound ever prays."

3. factual background involve in the writ petition is that the petitioner has already an existing land behind land sought to be settled from the Bhubaneswar

Development Authority. Finding the interest in assignment of land in front of the petitioner's house and not being otherwise utilized by any competent authority further involved land lying vacant long since, petitioner approached the Bhubaneswar Development Authority for settling the land in favour of the petitioner on suitable terms and conditions. Pursuant to notice, it appears the Bhubaneswar Development Authority filing counter of behalf of opposite party Nos.2, 3 and 4 brought to the notice of this Court that the Development Authority does not own the land, it is on the other hand the G.A. Department is the owner of the land under request.

4. Considering the objection of Development Authority expressing its incapacity to take decision in such matter for having no ownership of land involved herein, this Court finds the writ petition is misdirected.

5. Be that as it may in the event of the G.A. Department is the owner of the land over which the petitioner showing interest, nothing prevents the petitioner to approach the G.A. Department by making same request at least within a reasonable period. In disposal of the writ petition this Court observes, in the event the petitioner, makes an application making the self same request to the Secretary G.A. Department at least within a period of fifteen days hence, along with the copy of this order in such event the Secretary, G.A. Department shall consider the request of the petitioner and also conduct an inquiry involving the land sought to be regularized in favour of the petitioner and further in the event the land sought to be added to the land of the petitioner is not otherwise allotted and utilized, decision for alienation of the land in favour of the petitioner be taken by completing the entire exercise within a period of two months thereafter. Till then there shall be no third party creation of the land involved.

6. The writ petition stands disposed of with the observation and direction made herein above.

(Biswanath Rath)
Judge