

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

**W.P.(C) No.8883 of 2022**

***Debendra Singh***

....

***Petitioner(s)***

Smt. S. Mohanty,  
Advocate

*-versus-*

***State of Odisha & Ors.***

....

***Opposite Party(s)***

Mr. S. Ghose,  
Addl. Standing Counsel

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER  
09.05.2022**

**Order No.**

02. 1. This matter is taken up through hybrid arrangement (Virtual / Physical Mode).

2. This writ petition involves the following prayer :-

“The petitioner therefore prays that your Lordships would graciously be pleased to admit this writ petition, call for the records from the Opp. Parties and after hearing the parties, issue a writ / writs in the nature of certiorari / mandamus directing the Opp. Parties, more particularly O.P. No.6 to allot a shop room to the petitioner from the newly constructed shop rooms/ market complex and thereby rehabilitate him in the same place by giving him preference as the petitioner was running his business by occupying the same place previously and was paying rent / tax for the same;

And pass any other or further direction as this Hon’ble Court may deem fit and proper;”

3. It appears, there has been repeated representations vide Annexures-7, 8 & 9. All the representations appear to have been made

in 2018. From the development through Annexure-10, it appears, the Government in its appropriate Department has referred the representation of small Businessman of the locality to the Collector for taking decision at his end. Petitioner alleges that there has been no finality to such issue and in the meantime vide Annexure-12 there is another application at the instance of the Petitioner claimed to be pending.

4. Mr. Ghose, learned State Counsel objecting the claim of the Petitioner and referring to the Annexure-2 submits that for the material available through Annexure-2 there may not be anything required to be decided in such matter. For the opinion of this Court, once the representation of the small Businessman have been referred to the Collector for taking decision, nothing prevents the competent authority to take decision even considering the objection raised therein.

5. Considering that the Petitioner has a claim to be decided, this Court directs the Collector, Jajpur to finalize the direction at Annexure-10 vis-à-vis the representations at Annexures-7, 8 & 9 also keeping in view the fresh application of the Petitioner at Annexure-10, by completing the entire exercise within a period of two months from the date of communication of a copy of this order along with a copy of the writ petition by the Petitioner.

6. The writ petition stands disposed of with the above direction.

**(Biswanath Rath)**  
**Judge**