

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.9641 of 2022

Naba Kumar Sur

....

Petitioner(s)

Mr.S.K.Dash,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.D.Mohapatra,Adv.,
For O.P.Nos. 2 & 3
Mr. A.P.Bose, Adv.,
For O.P.No.4

CORAM:
JUSTICE BISWANATH RATH

ORDER
25.04.2022

Order No.

01.

1. Heard the submissions of learned counsel for the parties.
2. This writ petition involves challenge to order at Annexure-6 on the allegation that the petitioner was inconvenienced on the date of application for regularization of the illegal construction. Thus a request is made to entertain the writ petition and in disposal, there should at least be a direction to the Development Authority for rehearing of the complaint and passing the order as required. On the other hand, learned counsel for the opposite party submits that in spite of repeated opportunity, petitioner failed to attend the hearing and petitioner himself is responsible for such disposal.
3. This Court finds undisputedly the impugned order is an outcome of ex-parte order. Considering the respective submission and on perusal of order at Annexure-6, this Court finds the opposite parties

are justified in claiming that petitioner has been provided several opportunity and he did not attend on the date of final hearing.

4. Be that as it may, since the order at Annexure-6 remains ex-parte, at the same time also keeping in view the anxiety of the private opposite party, this Court while interfering in the order at Annexure-6, sets aside the same and directs the Development Authority to commence fresh hearing on the application requesting regularization and disposed of the same in accordance with law but however involving the petitioner and the opposite parties by completing the entire exercise within a period of two months. Since the matter is disposed of in presence of opposite parties, all the parties are directed to appear before the Development Authority along with copy of this order on 4th May, 2022. It is made clear that this Court is not expressed any opinion on the merit of the case.

5. This writ petition stands disposed of.

(Biswanath Rath)
Judge