

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9673 OF 2022

***M/s. Chitraka Earthmovers and
builders***

....

Petitioner(s)
Mr.A.Mohanty,
Advocate

-versus-

State of Odisha and others

....

Opposite Party(s)
Mr. S.Mishra,
ASC
Mr.D.Mohapatra,
Advocate
Mr.S.K.Das,
Advocate

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
28.07.2022**

Order No.

05.

1. Heard learned counsel for the Parties.
2. There is no complete information as to the development in Appeal involved herein. It is further alleged by the Intervenors being subsequently added as Opposite Parties that, since proceeding involved Section-91(1) of the ODA Act is disposed of, on compliant of the Intervenors being newly added Opposite Parties in Appeal, they should have been added as respondents.
3. Mr.Mohanty, learned counsel for the Petitioner undertakes to bring such Party in the Appeal. There is also further issue involving the Petitioner to consider its case under Amnesty Scheme.

4. Mr.Mohapatra, learned counsel appearing for the Bhubaneswar Development Authority submits that there is already finality to the claim of the Petitioner under the Amnesty Scheme.

5. In this situation, this Court finds, if the appeal is pending involving the property already involved in the decision under Amnesty Scheme, then there should not be any demolition or eviction until or unless the Appeal is over.

6. This Court in the circumstance targets the Appeal before the Secretary, at the instance of the Petitioner to be decided within a period of three months from the date of communication of this order by the Petitioner. The Intervenor-Opposite Party Nos. 7 to 11 have the opportunity to contest in the Appeal. Both Parties are directed to appear before the Appellate Authority and bring the order of this Court to the notice of the Appellate Authority on 8th August, 2022 and take a date of hearing.

7. So far as dispute involving the Amnesty Scheme is concerned, in the event there is already finality of such issue on the request of the Petitioner, till the Appeal is over, there should be at least status quo in respect of the property involved for a period of three months and within which period the Appeal will be disposed of in accordance with law.

8. With this observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge