

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

**W.P.(C) No.9833 of 2022**

***Birabara Pradhan***

....

***Petitioner***

*Mr.Sukanta Kumar Dalai, Advocate*

*-versus-*

***State of Odisha and others***

....

***Opposite Parties***

*Mr.N.K.Praharaj, A.G.A.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**16.11.2022**

**Order No.**

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate.
3. The present writ application has been filed with a prayer for a direction to the Opposite Party Nos. 3 & 5 to extend the benefit under the prescribed guidelines to the Petitioner.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner, who is aged about 104 years applied for the benefit under the ODRP Scheme for Housing Project of the Government of Odisha. After enquiry, his name was included in the list of beneficiaries prepared by the local Administration and the name of the Petitioner has been reflected in Sl.No.883 and in the remarks column it is shown Police service. Subsequently a dispute arose whether the Petitioner is a Government servant or not. An enquiry was ordered and conducted. After conducting the enquiry the ODRP J.E. submitted an enquiry report wherein he has stated that on enquiry

they found that the Petitioner was allotted Special Phailin House Sl.No.883 of Booklet No.1509, but he was not eligible in the final list as because on enquiry he had showed the name of the Petitioner as a Government servant. In the said report it has also been stated that there was an enquiry by the Panchayat Executive Officer and basing on his report it was found that there was no Government servant in his family. In such view of the matter learned counsel for the Petitioner submits that the Petitioner is eligible to get the benefit under the aforesaid scheme. However, the authorities have acted in an arbitrary and discriminatory manner, as a result of which the Petitioner has been excluded to get the benefit under the aforesaid scheme. It is further submitted by the learned counsel for the Petitioner that vide letter dated 13.12.2021 the Block Development Officer Krushnaprasad has written a letter to the Collector, Puri Opposite Party no.3 to include the name of the Petitioner in the final list of the beneficiaries under ODRP scheme and further he has recommended for providing necessary assistance under the said scheme as it was found on enquiry nobody from the petitioner's family was in Government service and the Petitioner was not serving under the Orissa Police Service. Further, it was reflected that the Petitioner is living in a asbestos house.

5. Considering the aforesaid fact and further keeping in view the letter under Annexure-4 & 5 the Petitioner is directed to approach the Collector, Puri, Opposite Party No.3 by filing a fresh representation taking therein all the grounds available to him particularly Annexure-4 & 5 within two weeks from today. In the event such representation is filed, the same shall be considered in accordance with law keeping in view the letter under Annexures-4 & 5 and the Collector is directed to take a decision in accordance with law within a period of

four weeks from the date of filing representation by of the Petitioner. The decision so taken be communicated to the Petitioner. In the event it is found that the Petitioner is eligible for such benefit as has been recommended by the B.D.O., Krushnaprasad such benefit be released within a period of four months thereafter.

6. With the aforesaid observation, the writ application stands disposed of.

7. Issue urgent certified copy of this order as per Rules.

RKS

**( A.K. Mohapatra )**  
**Judge**