

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P.(C) No.10198 of 2022**

***Trident Galaxy Resident Welfare Association*** .... ***Petitioner(s)***

Mr.M.Agarwal,  
Advocate

-versus-

***State of Odisha & Ors.*** .... ***Opposite Party(s)***  
Mr.R.P.Mohapatra,  
AGA  
Mr. D.Mohapatra,  
For CDA O.P.  
Nos. 2 & 3

**CORAM:**  
**JUSTICE BISWANATH RATH**

**ORDER**  
**26.04.2022**

**Order No.**

01. 1. Heard the submissions of Mr.Agarwal, appearing for learned counsel for the Petitioner.
2. Petitioner by way of this writ petition alleges that there is illegal grant of permission to the builder concerned and there is already a complain by the petitioner Welfare Association at Annexure-8 appears to be pending before the planning member Bhubaneswar Development Authority. For the clear provision at Section 17 of the Odisha Development Authority Act, this Court is of the opinion in the first instance the Competent Authority should decide such disputes. There is to such proposition by Mr.D.Mohapatra.
3. In the process this Court declining to entertain the writ petition at this stage however directs the planning member Bhubaneswar Development Authority Opposite Party No.3 to undertake the exercise under the provision of Section 17 of Odisha Development Authorities

Act involving the complain of the association under Annexure-8 and take decision on the same entering into spot visit, if any, involving the parties likely to be affected and complete such exercise also providing opportunity of hearing to the parties preferably within a period of three months from the date of communication of the order. Petitioner is at liberty to communicate this order to Opposite Party No.3 and participate in the exercise undertaken by the Opposite Party No.3. Question of jurisdiction raised herein that the Development Authority will not exercise such power after the delegation of power though a notification on the Bhubaneswar Municipal Corporation presently is also be considered in the above exercise.

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

*S.P. Dash*

