

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.10234 of 2022

Purusottam Mohakud & Ors.

....

Petitioner(s)

Mr. S. Senapati,
Advocate

-versus-

State of Orissa & Ors.

....

Opposite Party(s)

Mr. S.P. Panda,
Addl. Govt. Adv.

CORAM:
JUSTICE BISWANATH RATH
ORDER
26.04.2022

Order No.

1.

1.

This writ petition involves the following prayer:-

“It is, therefore, prayed that this Hon’ble Court may graciously be pleased to admit the writ application and issue Rule NISI by calling upon the opposite parties to show cause as to why the Approval letter dtd.08.10.2021 under Annexure-1 for construction of New-Sub Center Buildings” (ANM Center) shall not be declared as null and void and the opposite parties shall not be directed to select the Plot no.499, Khata No.609, Mouza-Ratina-1 for construction for New-Sub Center Buildings” (ANM Center) by considering the Grievance of the petitioners under Annexures-3 and if the Opp. Parties fails to file show cause or insufficient cause the said rule may kindly be absolute.

And further be pleased to pass a writ of Mandamus by directing the opposite parties not to construct the New-Sub Center Buildings” (ANM Center) over Plot No.760 & 761, Khata-no.609, in Mouza Ratina and select a suitable

plot i.e. Plot no.499, Khata No.609, Mouza-Ratina-1, Khaira in the district of Balasore for construction of the same.

And further be pleased to pass any other writ/writs, order/orders as this Hon'ble Court may deem fit and proper in the eye of law.”

2. Undisputedly the representation at the instance of the Petitioner vide Annexure-3 is still pending before the Tahasildar, Khaira-Opposite Party No.5. Considering that there is involvement of a serious allegation and as a decision in the matter is ultimately required to be taken by the Opposite Party No.5, this Court directs the Opposite Party No.5 to look into the grievance of the Petitioner vide Annexure-3 and take a lawful decision in the matter taking into account the grounds stated in this writ petition so also the documents appended thereto.
3. The entire exercise shall be completed within a period of one month from the date of communication of an authenticated copy of this order along with a copy of the writ petition by the Petitioner.
4. It is further directed that if the work involved herein has not been commenced as yet, commencement of such work may await till a decision is taken in the matter by the Tahasildar, Khaira-Opposite Party No.5.
5. The writ petition stands disposed of with the above direction.
6. Free copy of this order be handed over to the learned State Counsel for necessary communication.

(Biswanath Rath)
Judge