

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10567 of 2022

Bishnu Charan Mohapatra

....

Petitioner(s)

Mr. A.K. Mohapatra,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Ghose,
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
21.06.2022**

Order No.

03. 1. This writ petition involves the following prayer:-

“That the petitioner therefore prays that the Hon’ble Court may kindly be pleased to admit the writ petition and issue “RULE NISI” to the Opp.parties to show cause as to;

i) Why the Opposite Party No.3 will not be directed to allot one acre of standard agricultural land meant for ex-army men to the petitioner.

And

ii) Why contempt proceeding should not be initiated against the Collector, Cuttack for not complying with the direction of this Hon’ble Court in W.P(C) No.21256/2020 dt. 06.09.2021 with appropriate direction and any other order as deem fit be passed.

And if the Opp. parties do not show cause then the rule be made absolute by issuing writ(s) / direction(s) and any other order as deem fit be passed.”

2. In the first move of the Petitioner in disposal of the W.P.(C) No.21256 of 2020 a co-ordinate Bench of this Court by its order dated 6.09.2021 passed the following:-

“1. This matter is taken up through Hybrid Arrangement (Virtual / Physical Mode).

2. Heard learned counsel for the petitioner and learned Additional Government Advocate for the State.

3. The petitioner, being an Ex-Jawan, has filed a representation vide Annexure-5 before the Collector, Cuttack-Opposite Party no.2 for allotment of land in his favour from the Jawan quota.

4. Regard being had to the facts and submissions and the nature of relief sought for, the writ petition is disposed of, directing the Collector, Cuttack- Opposite Party No.2 to dispose of the representation of the petitioner, vide Annexure-5 in accordance with law, within a period of four months from the date of receipt of a certified copy of this order, by passing a reasoned order.

5. It is needless to mention here that, if the Petitioner is found to be an ex-Jawan and he is found entitled to be allotted with land and there is no legal impediment, such land be allotted in favour of the petitioner on disposal of the representation, vide Annexure-5.

6. The petitioner is directed to supply a copy of the writ petition containing all the Annexures along with a certified copy of this Order to the Opposite Party No.2 for convenience & reference to Annexure5.

7. The writ petition is accordingly disposed of.

8. Urgent certified copy of this order be granted as per rules.”

3. Present writ petition appears to have been in the second attempt of the Petitioner involving non-compliance of the direction in W.P.(C) No.21256 of 2020.

4. Considering the rival contentions of the parties and going through the pleadings made in this writ petition, this Court finds, the request of the Petitioner is dependent on the ultimate outcome on the representation vide Annexure-5 pending with the competent

authority. This Court finds surprise in the attitude of the Collector, Cuttack in keeping the representation pending even after the direction of this Court dated 6.09.2021. Nothing prevented the Public Authority to request this Court for extension of time, in the event there is any obstruction. In the process while deprecating the attitude of the Public Authority in keeping representation pending even after disposal direction by the High Court, this Court as a matter of last chance directs the Collector, Cuttack to dispose of the representation within a period of two weeks from the date of communication of a copy of this order by the Petitioner and the result of the same shall also be communicated to the Petitioner within a period of one week thereafter. Failure of compliance of this direction will be amounting to initiation of a suo motu contempt proceeding against the public authority.

5. The writ petition stands disposed of with the above direction.

(Biswanath Rath)
Judge