

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C). No.5398 of 2009

Gangadhar Malik.

.... **Petitioner(s).**
Mr.P.K.Singh, Advocate

-versus-

State of Odisha & Ors.

.... **Opposite Party(s)**
Mr.S.Ghose, AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
20.09.2022

Order No.

04. 1. Heard learned counsel appearing for the parties.
2. This writ petition involves the following prayer:

“In the context aforesaid it is most humbly prayed that your Lordship may after hearing the counsel for the petitioner be pleased to issue rule NISI to the Opposite Parties to show cause as to why, letter dtd.13.2.09 (Annexure-1) and letter dtd.29.6.07 (annexure-2) shall not be quashed and a direction shall not be issued to pay the final bill to the petitioner as has been submitted by him and if the Opposite Parties fail to show cause or file insufficient cause then the rule may be made absolute;

And/or pass any other order or orders as may be deem fit and proper in favour of the petitioner.

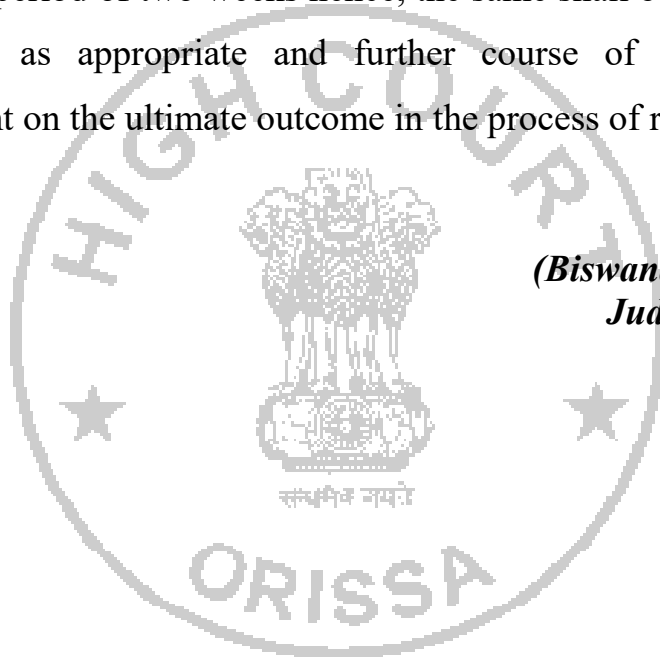
And for which kind act the petitioner as in duty bound shall ever pray.”

3. Considering the submission of learned counsel for the petitioner and entering into Annexures-1 and 2, this Court finds the dispute involved herein for refund of money provided to the petitioner for construction of Indira Awas. It appears, there is resolution of the Panchayat disentitling the petitioner from the benefit of financial assistance for construction of Indira Awas. For the nature of notice at Annexures-1 and 2, this Court finds there

was sufficient scope for the petitioner to raise his objection before the authorities issuing such notice to satisfy his case of entitlement.

4. In the circumstance and for the petitioner having sufficient scope further as the petitioner is enjoying an interim protection granted since 16.04.2009, this Court while finding the writ petition is premature, disposes of the same with direction to the petitioner to raise his objection to Annexures-1 and 2 for consideration of the Block Development Officer, Gandia Block-opposite party no.2 within a period of two weeks hence, the same shall be considered and decision, as appropriate and further course of action shall be dependant on the ultimate outcome in the process of reconsideration.

sks



(Biswanath Rath)
Judge