

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

**W.P.(C) NO.10310 OF 2009**

***Ashok Kumar Mohanty***

....

***Petitioner***

Mr.B.Mohapatra, Adv.

*-versus-*

***Bhubaneswar Development Authority  
& anr.***

....

***Opposite Party(s)***

Mr.S.Swain, Adv.

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER  
12.12.2022**

**Order No.**

04.

1. Heard learned counsel for the Parties.
2. In course of submission, in his attempt to challenge Annexure-7, learned counsel for the Petitioner alleges, there has been unilateral and unreasoned order of cancellation, vide Annexure-7 making specific plea through Paragraph-10 of the Writ Petition.
3. The Writ Petition was though filed on 20.7.2009, notice was issued by order dated 10.5.2010, there is no counter filed as of now. Considering the grievance of the Petitioner, this Court in disposal of the Writ Petition observes, in the event Apartment No.S-7/45 under agreement is still available and in the possession of the Development

Authority, the Petitioner may be provided with an opportunity and fresh decision be issued by the Development Authority. Here this Court finds, vide Annexure-8, the Petitioner has already made a response to the cancellation notice, vide Annexure-7. Provided such Apartment is available with the Development Authority and not sold to a third party, the objection of the Petitioner, vide Annexure-8 shall be considered as against notice under Annexure-7 and a lawful decision be taken in the involvement of the Petitioner but within a period of two months from the date of communication of this order.

4. With the above direction, the Writ Petition stands disposed of.

*M.K.Rout*

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