

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12511 of 2022

Braja Mohan Rout

....

Petitioner(s)

Mr. P.K. Nanda,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. R.P. Mohapatra,
Addl. Govt. Adv. for O.P.1
Mr. D. Mohapatra,
Advocate for O.Ps.2 & 3

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
18.05.2022**

Order No.

02.

1. The order vide Annexure-3 discloses that there is allotment of two plots vide K9A.123(C) in the name of Jemamani Rout wife of Braja Mohan Rout-the Petitioner and K-8/533 in the name of Braja Mohan Rout-the Petitioner. On the premises of simultaneous allotment in favour of the wife and husband and finding that there have been multiple allotments in favour of one family, the Petitioner has been noticed vide Annexure-1. During course of hearing the Petitioner through his counsel volunteers to forego the plot No.K9A.123(C) granted in favour of his wife. Petitioner also undertakes to file application through his wife for foregoing the plot no.K9A.123(C) allotted on 18.01.1995 before the competent authority and requesting for reconsideration of his case vide Annexure-1.

2. Considering the contention of the Petitioner and the submission of Mr. Mohapatra, learned counsel for the Bhubaneswar Development Authority and as this Court finds, there is forgoing of one plot vide Plot No. K9A.123(C) involving multiple allotment, this Court directs, in the event the Petitioner and his wife make joint effort for surrendering the Plot No.K9A.123(C) before the Secretary, Bhubaneswar Development Authority-Opposite Party No.3 within a period of fifteen days hence, the Secretary, Bhubaneswar Development Authority shall do well in reconsidering the issue involving Annexure-1 and passing an appropriate order thereon within a period one & half months thereafter. Since the Petitioner already volunteers to surrender one plot, there should not be rejection of application of the Petitioner on technical ground rather attempt should be made to resolve the dispute. Refund, if any, pursuant to surrender of the above plot, shall be worked out appropriately.

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

(Biswanath Rath)
Judge