

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.32438 of 2011

Gopabandhu Welfare Trust

....

Petitioner

Mr. D.K. Mohapatra, Advocate

-versus-

***Rourkela Development Authority and
Anothers***

Opposite Parties

None

**CORAM:
THE CHIEF JUSTICE
JUSTICE M. S. RAMAN**

**ORDER
13.04.2022**

Order No.

14. 1. A very short point is involved in the present petition by the Gopabandhu Welfare Trust, Socio Cultural Organization functioning in the Rourkela. The challenge is made to an order dated 15th December, 2011 passed by the Rourkela Development Authority (RDA) requiring the Petitioner to stop any construction activity within the premises of the 'Social Home', which the Trust is managing. The Trust has been directed to hand over the possession of the said home to the RDA within three days.
2. The question that arises is whether the impugned order is violative of the principles of natural justice inasmuch as the Petitioner's reply dated 16th December, 2011 to the show cause notice (SCN) dated 15th December, 2011 was not taken into consideration by the RDA?

3. Learned counsel appearing for the RDA disputed that the above reply was never received by the RDA. However, from the copy of the reply enclosed with the rejoinder (Annexure-6), it is seen that it bears the signature with seal of the Additional District Magistrate, Rourkela who admittedly at the relevant point in time was also Secretary of the RDA.

4. Learned counsel for the RDA then sought to suggest that there was an admission on the part of the Petitioner about having carried out illegal construction in the premises of the Social Home. ON an examination of the rejoinder it is seen that the averment therein is about a dispute with the local MLA about installing the statue of Utkalamani Gopabandhu Das in the premises. There is no such admission as suggested by the counsel for the RDA

5. In fact, the impugned order came to be passed without considering the Petitioner's reply. Consequently, the impugned order dated 15th December, 2011 is hereby set aside. It is directed by the RDA now to pass fresh order after taking to the account reply dated 16th December, 2011 submitted by the Petitioner and after giving the Petitioner hearing. For this propose the Petitioner will appear through authorized representative before the Secretary of RDA on 16th May, 2022.

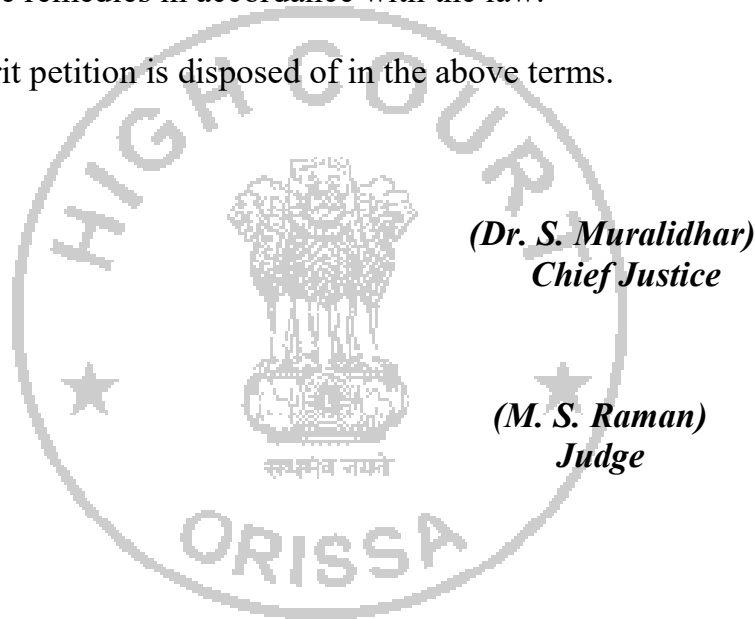
6. Counsel for the RDA referred to the reply filed by the RDA to the Petitioner's rejoinder enclosing a copy of the deviation report. It will open to the Petitioner to file a response to the said report before the RDA on or before 16th May, 2022 which shall also be taken into

account by the Secretary RDA before passing the fresh order in accordance with law.

7. After hearing, the Petitioner a fresh order shall be passed by the RDA not later than 28th June, 2022 and a copy of the decision shall be furnished to the Petitioner within one week thereafter.

8. If the decision is adverse to the Petitioner, it will not be given effect to for a period of ten days to enable the Petitioner to seek appropriate remedies in accordance with the law.

9. The writ petition is disposed of in the above terms.



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