

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.17305 of 2021

(Through Hybrid mode)

Puspalata Jenamani and another

Petitioners

Mr. Kabir Kumar Jena, Advocate

-versus-

State of Odisha and others

Opposite Parties

Mr. Y.S.P. Babu, AGA

CORAM: JUSTICE ARINDAM SINHA

ORDER

23.11.2022

Order No.

- 08.
1. Mr. Jena, learned advocate appears on behalf of petitioners and submits, his clients upon constructing upto plinth level are being denied assistance under Pradhan Mantry Awas Yojana (PMAY) housing scheme.
 2. Mr. Babu, learned advocate, Additional Government Advocate appears on behalf of State and draws attention to paragraphs 6 and 7 in the counter. A passage from the paragraphs is reproduced below.

“It is humbly submitted that on receipt of petition from the villagers dt. 27.01.2020 concerned R.I. and Amin of this Office were duly demarcated the land and found that the petitioner has constructed PMAY/BPGY house covering

Ac.0.03 dec. of Government land. Accordingly Encroachment Case has been initiated against the encroacher and eviction notice issued to the petitioner in form 'Kha' as per the OPLE Act/Rules. In view of above even though, the beneficiary has progressed his house up to Plinth level, the B.D.O., Dharmasala could not release the 2nd installment. ”

He submits, against order made in the encroachment case, petitioners have approached the Collector for revision.

3. Petitioners have availed statutory alternative remedy in seeking revision of the encroachment order. Unless, petitioners are successful in getting the encroachment order set aside, they cannot claim a right to the subsequent benefit under the scheme, having had been held to have caused encroachment.

4. Opposite party no.2 is directed to expeditiously deal with the revision case and inform petitioners of the result, within four weeks of communication.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant