

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.14973 OF 2022

Susanta Dasgupta and others

Petitioner(s)

Mr. M.Kanungo,
Senior Advocate
Mr.S.R.Mohanty,
Advocate

-versus-

Dhenkanal Municipality and another

Opposite Party(s)

CORAM:
JUSTICE BISWANATH RATH

ORDER
28.06.2022

Order No.

02.

1. Heard learned counsel for the Parties.
2. Thirteen numbers of existing shop owners claim allotment of shop rooms from out of shop room available in the advertisement at Annexure-3, on the basis of alleged resolution of the Municipality Authority, Dhenkanal, on the basis of resolution at item “Jha” dated 20.04.2022. It is alleged in spite of such assurance by the Chairman of the Municipality concerned, the Municipality is proceeding with allotment and in the event, all the shop rooms in the Biju Pattnaik Market Complex are allotted in favour of the new applicants, the Petitioners will be remediless and such action even otherwise would also be in contravention of the assurance already given by the Municipality concerned. While keeping this in view, this Court also finds, the Petitioners have already made an application at Annexure-4 pending consideration of Chairman, Dhenkanal Municipality, Considering the application of the Petitioners is pending, this Court observes, there has to be a decision on the request of the Petitioners

before the issue involving the advertisement at Annexure-3 while keeping in view there assurance vide Annexure-2. This Court expects that Dhenkanal Municipality will take a decision on the request of the Petitioner while also keeping in view the development through their own resolution under Annexure-2 if any before finalizing any issue.

3. In the circumstance, this Court in disposal of the Writ Application observes in the event, there is no decision on the representation of the Petitioner vide Annexure-4 by the Competent Authority as of now the Chairman Dhenkanal Municipality shall take a decision on the same at least before finalizing the issue involved vide Annexure-3. This Court further observes in the event, there is assurance to the Petitioners by virtue of the resolution appended herein through the resolution of the Municipality dated 20.04.2022, this Court expects decision on the representation of the Petitioners shall be taken also keeping in view of the resolution.

4. This Writ Petition thus stands disposed of.

(Biswanath Rath)
Judge

Swarna/ Ayesha