

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15275 of 2022

Sabitarani Nayak

....

Petitioner(s)

Mr. A.Ku. Nayak,
Advocate

-versus-

C.D.A, Cuttack

....

Opposite Parties

CORAM:

JUSTICE BISWANATH RATH

ORDER

07.07.2022

Order No.

01.

1. This writ petition involves the following prayer :-

“In the circumstances, it is therefore humbly prayed that the Hon’ble Court may graciously be pleased to issue notice to the Opp.Party CDA to show cause as why the orders of the Hon’ble Court was not carried out and as to why proper calculation of interest is not made as per order dt.21.08.208 in OJC No.7998/95.

If the Opp.Party does not show any sufficient cause or fail to show cause at all, this Hon’ble Court may hold that the letter dt.23.05.2012, Annexure-6 is illegal and is beyond the order of this Hon’ble Court dt.21.08.2008 and further hold that the calculation of interest as per representation dt.30.08.2008 is to be paid by the Petitioner to the Opp.Party who will be able to handover possession of ‘C’ category land to the Petitioner within a short time.

And pass any other order/orders as this Hon’ble Court may deems fit and proper.

And for which act of kindness, the petitioner as in duty bound shall ever pray.”

2. Considering the submission of Mr. Nayak, learned counsel for the Petitioner and looking to the pleadings made in this writ petition, this Court finds, in the first round of litigation in disposal of a writ petition in the year 2008, a Division Bench of this Court directed as follows:-

“In view of the above, we dispose of the writ petition requesting the opposite party-authority to consider the case of the petitioner sympathetically and issue demand notice calculating the amount of interest etc. taking humanitarian view and also taking into consideration that the petitioner has deposited a substantial amount in 1998 itself.”

3. Through the above direction it becomes clear that the Opposite Party-Authority therein was required to consider the case of the Petitioner sympathetically and issue demand notice calculating the amount of interest. Keeping in view that the Petitioner has already deposited a substantial amount in the year 1998 it appears, there has been a lot of development in between. Filing a communication of the Cuttack Development Authority dated 23.05.2012 vide Annexure-6, Mr. Nayak, learned counsel for the Petitioner brings to the notice of this Court that there is a decision on recalculation of the cost of the plot and the outstanding dues as on 30.06.2012 was recalculated to a sum of Rs.1,87,421/- (rupees one lakh eighty-seven thousand four hundred twenty-one) and requesting the Petitioner to deposit the amount by 30.06.2012.

4. The Petitioner in filing a writ petition in the year 2022 claims interference of the Court in the order of the authority involving a calculation aspect appears to have been passed in the year 2012. In the meantime ten years have already passed. The High Court has not only any jurisdiction to interfere in such aspect, further

since this writ petition involves a cause of action of the year 2012, the same is also grossly barred by time.

5. The writ petition thus stands dismissed as not entertainable.

(Biswanath Rath)
Judge

Ayaskanta Jena

