

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.10070 of 2016

Laxmi Dakua

.... ***Petitioner***
Mr. S.S. Rao, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. Ishwar Mohanty, ASC

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAIAK**

ORDER
12.07.2022

Order No.

04.

1. The present petition has been filed for a direction to the Opposite Party- State not to provide any benefit to Opposite Party Nos.4 to 9 under 'Mo Kudia' Scheme as per the resolution dated 9th May, 2008 and 9th June, 2008 of the Government of Odisha.

2. It appears that the Petitioner has already filed a civil suit in which the aforementioned Opposite Parties are the defendants and the statements have been made by the Opposite Parties in the said suit to the effect that the house property, which the Petitioner is claiming, was demolished by the Opposite Parties and they would be approaching the Government for granting the benefit under 'Mo Kudia' Scheme. So, the apprehension is that if the Government grants any financial benefit for construction of the houses under 'Mo Kudia' Scheme, then it legitimizes the claim of Opposite Parties No.4 to 9.

3. The Court does not find any merit in the above submission. Since civil suit is stated to be pending, if any such financial grant is given to the Opposite Party Nos. 4 to 9 by the Government under the aforementioned scheme, it would obviously be subject to the outcome of such suit. In any event, appropriate interim relief in that regard can always be sought by the Petitioner in the pending suit.

4. In that view of the matter, the Court finds no reason as to why the relief prayed for in the present petition should be granted. The petition is disposed of with the above clarification. The interim order passed earlier stands vacated.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

TUDU