

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16867 of 2022

Sangram Patnaik

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
20.07.2022

Order No

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. P.K. Rath, learned counsel for the Petitioner and Mr. YSP Babu, learned AGA appearing for the Opp. Parties.

3. The Petitioner is aggrieved by the order dtd.04.06.2021 passed by the Collector, Nabarangpur under Annexure-1. It is submitted that the Petitioner prior to passing of this Order though was extended with the benefit of 3rd MACP vide Order dtd.07.11.2019 under Annexure-9 to the writ Petition of the District Panchayat Officer, Nabarangpur, but the Collector without taking into account that aspect passed the impugned order with a direction to allow the benefit of RACP in favour of the Petitioner. It is submitted that by the time the said order was passed the benefit of RACP has been withdrawn w.e.f. 01.01.2016.

4. During course of argument Mr. Rath also brought to the notice of this Court the recent communication issued by the Panchayatraj and

DW Department on 12.04.2022, which has been addressed to all the Collectors of the State with a direction for sanction of MACP to the Panchayat Executive Officers of the State.

5. It is also submitted that the order passed by the Collector on 04.06.2021 has not yet been acted upon and the said order was only received by the Petitioner on 12.04.2022. Since the order passed by the Collector has not yet been acted upon, this Court directs the Collector to take a fresh decision basing on the communication issued by the Govt. on 12.04.2022 under Annexure-13. The entire exercise be completed within a period of three months from the date of receipt of this order. It is however observed that this Court has not expressed any opinion on the merits of the claim of the Petitioner.

6. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha