

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 17327 OF 2022

Rasmita Jena

.... Petitioner

Mr. Pratik Nayak, Advocate

-versus-

***Commissioner-cum-Secretary, Co-
operation Department, Bhubaneswar
and others***

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
14.10.2022**

Order No.

- 4.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition prays for a direction to the Collector, Kendrapada to consider the grievance of the Petitioner to allow the Desahi PACS to function at the place where it is continuing.
 3. On the last occasion, Mr. Nayak, learned counsel for the Petitioner by filing an additional affidavit along with certain documents submitted that she is ready to donate a piece of land for construction of office building of Desahi PACS. In that view of the matter, learned State Counsel was directed to take instruction on the same. Mr. Mishra, learned Additional Standing Counsel on instruction from the Collector, Kendrapada submits that on the request of the Secretary, Desahi PACS, Alienation Case No.4 of 2021 was initiated and land was allotted for construction of office building of the said

PACS. Construction work has already commenced over the suit plot. At this stage, if PACS is shifted to the proposed site to be donated by the Petitioner, both the Desahi PACS as well as Government will suffer irreparable loss. Hence, he submits that the proposal at the instance of the Petitioner is not acceptable.

4. Although Mr. Nayak, learned counsel submits that the Petitioner is ready and willing to donate a piece of land, but the R.O.R. in respect of the land, she wants to donate, stands recorded jointly in the name of the Petitioner and Saroj Kumar Jena. There is no material on record to show that said Sri Saroj Kumar Jena has consent for such alienation/donation. Further, the Desahi PACS is not made a party to the writ petition. Since construction of office building of Desahi PACS has already commenced, I am not inclined to entertain this writ petition.

5. Accordingly, this writ petition stands dismissed.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge