

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 17416 of 2022*Gopalji Math*

.....

*Petitioners**Mr. S. Tibrewal, Advocate*

Vs.

State of Orissa and others

.....

*Opposite parties**State Counsel*

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

06.09.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Mr. J.P. Patnaik, learned Government Advocate files preliminary counter affidavit on behalf of opposite party no.3 annexing the Minutes of meeting for renovation & beautification of Gopaljee Math, Sambalpur under SAMALEI Plan in Court today after serving a copy thereof on learned counsel for the petitioner. The same be kept on record.

3. Mr. S. Tibrewal, learned counsel appearing for the petitioner files an additional affidavit annexing the Minutes of meeting for renovation & beautification of Gopaljee Math, Sambalpur under SAMALEI Plan as Annexure-7 in Court today after serving a copy thereof on learned State Counsel. The same be kept on record.

4. Heard Mr. S. Tibrewal, learned counsel for the petitioner and Mr. J.P. Patnaik, learned Government Advocate appearing for the State-opposite parties.

5. The petitioner has filed this writ petition seeking to quash the notice dated 30.12.2021 issued by opposite party no.3 under Annexure-1 and further to issue direction to allow the petitioner to

continue to run the shops.

6. Mr. S. Tibrewal, learned counsel for the petitioner contended that the petitioner was in possession of the land, wherein shop rooms were constructed. The amount collected from these shops was utilized for the development and expenses of the Math. It is contended that all on a sudden, when opposite party no.3 issued notice dated 30.12.2021 for demolition of the said shop rooms, the petitioner approached this Court by filing this writ petition.

7. Mr. J.P. Patnaik, learned Government Advocate appearing for the State-opposite parties, relying upon the counter affidavit filed by opposite party no.3, contended that in order to renovation and beautification of Gopaljee Math for maintaining sanctity, security and purity, the committee under the Chairmanship of Collector, Sambalpur had a meeting with Sri Hrusikesh Das, Mahant of Gopaljee Math. In the said meeting the grievance petition submitted by the petitioner on 29.01.2022 was taken into consideration and thorough discussion was made and all the demands of the Mahant were accommodated. In the said proceedings of the meeting, the petitioner was present and put his signature. During the time of issuance of letter, there was no provision for payment of compensation/ex-gratia under R & R scheme for "SAMALEI" Plan. The said scheme was subsequently modified and now ex-gratia amount to the tune of Rs.56,24,529/- in lieu of the structures has been sanctioned and paid in favour of the Math. The petitioner has also acknowledged the same. So far as other conditions stipulated in the Minutes of meeting have been implemented by the opposite parties.

8. In view of such position, it appears that the financial benefits as due admissible has already been paid to the petitioner and the other conditions stipulated in the Minutes of meeting has to be complied with by the opposite parties. However, if other conditions stipulated in the Minutes of meeting are not complied with by the opposite parties, it is open to the petitioner to approach the appropriate forum.

9. With the above observation, the writ petition stands disposed of.

10. issue urgent certified copy as per rules.

Alok

(DR. B.R. SARANGI, J.)

