

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 623 of 2015

Pradeep Kumar Mohanty

....

Appellant

Mr. S.K. Pattanaik, Advocate

-versus-

State of Odisha and Others

....

Respondents

Mr. Debakanta Mohanty, Addl. Govt. Advocate

Mr. Dayananda Mohapatra, Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

27.09.2022

Order No.

13. 1. During pendency of the present writ appeal, it appears that the Cuttack Development Authority (CDA) has issued a letter dated 23rd October, 2018 to the present Appellant stating that it had earlier issued an intimation on 21st May, 2018 requiring the Appellant to deposit Rs.3,67,325/- and Rs.71,490/- by 30th June, 2019 towards differential cost with interest and service charges. It accordingly, informed the Appellant by the said letter dated 23rd October, 2018 that since the Appellant had failed to deposit the above sum, he should show cause why the allotment of shop room No.38 of Bidanasi Market Complex, Sector-6, CDA which had been allotted by a letter dated 25th February, 1995 and possession of which was delivered on 23rd March, 1995 should not be cancelled.

2. From the impugned order of the learned Single Judge, it appears that although the cost of the shop room allotted to the Appellant was Rs.99,300/-, he had deposited Rs.70,000/- and therefore, he was called upon to deposit the balance sum of Rs.29,300/- by a letter dated 5th June, 1996. This was challenged by the Appellant by filing OJC No.10539 of 1998 which has been dismissed by the impugned order of the learned Single Judge dated 22nd August, 2014. During pendency of the writ petition, there was a status quo order and that was continued in the present writ appeal by virtue of an interim order dated 4th December, 2018. Consequently, the Appellant has enjoyed the possession of the shop room in question throughout this period without having to pay the differential sum of Rs.29,300/-. In the circumstance, giving the current market value of the shop room in question, the letter issued by the CDA on 21st May, 2018 requiring the Appellant to deposit relatively meagre sum of Rs.3,67,325/- and Rs.71,490./- does not seem to be unreasonable at all. Considering that in a commercial complex and the shop is in a prima locality like CDA, Sector-6, the Appellant can have no grievance whatsoever.

3. The Court sees therefore, no reason why it should interfere with the impugned order of the learned Single Judge.

4. Considering that the Appellant has remained in possession for all these years, a final opportunity is granted to the Appellant to pay the aforementioned sum of Rs.3,67,325/- and Rs.71,490/- along with further interest and service charges as may be intimated not later than 1st November, 2022 by the CDA to the Appellant. The said amount should be paid by the Appellant on or before 1st December, 2022. It

is made clear that if the Appellant does not pay the said amount by 1st December, 2022 it will be open to the CDA to take over possession of the shop room in question.

5. The writ appeal is disposed of in the above terms. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.

