

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) NO.19771 OF 2022**

***Chandini Nag and others*** ..... ***Petitioners***

Mr. Jagabandhu Sahu, Advocate

*-versus-*

***State of Odisha and others*** .... ***Opp. Parties***

Mr. Swayambhu Mishra,  
Additional Standing Counsel

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**17.08.2022**

**Order No.**

1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition seek to assail the special audit report dated 3<sup>rd</sup> March, 2022 (Annexure-1), the order dated 5<sup>th</sup> May, 2022 (Annexure-2) passed by the Collector, Bolangir in G.P. Misc. Case No.01 of 2020 and the letter dated 3<sup>rd</sup> June, 2022 (Annexure-3) issued by the Block Development Officer, Patnagarh directing for recovery of Rs.7,17,912/- from the Petitioner No.1 and to restrain the Opposite Parties from recovering shortfall amount from the Petitioners.
3. Mr. Sahu, learned counsel submits that the Petitioners were not given any opportunity of hearing before the Collector, Bolangir to ventilate their grievances during adjudicating G.P. Misc. Case No.01 of 2020. He, therefore, prays for setting aside the special audit report under Annexure-1 and the order passed by the Collector, Bolangir under Annexure-2 as well as the letter for

recovery of shortfall amount from the Petitioner No.1 under Annexure-3.

4. Mr. Mishra, learned Additional Standing Counsel referring to the order under Annexure-2 submits that although notice was issued to the Petitioner No.1, she preferred to remain absent. He further submits that the prayer made in this writ petition should not be granted in exercise of power under Article 226 of the Constitution.

5. Taking into consideration the rival contentions of the parties and that the Petitioners allege that they were not provided with opportunity of hearing to ventilate their grievances in G.P. Misc. Case No.01 of 2020, this writ petition is disposed of with an observation that the Petitioners, if so advised, may move the Collector, Bolangir-Opposite Party No.2 by filling appropriate application and in that event, the Collector, Bolangir may consider the same in accordance with law, giving opportunity of hearing to the parties concerned.

6. It is made clear that this Court has not expressed any opinion on the merits of the case of the Petitioners.

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

**(K.R. Mohapatra)**  
**Judge**

*bks*