

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21585 of 2022

***Netaji Subash Chandra Bose
Arcade Shop Owners Association,
Cuttack***

....

Petitioner(s)

Mr. S. Rout,
Advocate

-versus-

***Cuttack Development Authority,
Cuttack & Ors.***

....

Opposite Party(s)

Mr. D. Mohapatra,
Advocate for C.D.A-O.P.1

Mr. S. Ghose,
AGA for O.Ps.2 & 3

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
31.10.2022**

Order No.

06.

1. This Writ Petition involves the following prayer:-

“It is therefore, prayed that the writ petition may kindly be allowed and by an appropriate writ, order or direction the Hon’ble Court may be pleased to direct the Opposite Parties to execute conveyance deed in favour of the shop and office space owners of the Netaji Subash Chandra Bose Arcade.

And further be pleased to pass any other order/ orders as may be deemed fit and proper.”

2. It appears, there is innocuous prayer requiring a direction to the Cuttack Development Authority to execute the lease deed involving the members of the Petitioner-Association.

3. Mr. Mohapatra, learned counsel for the Cuttack Development Authority taking this Court to the averments made in paragraph nos.3 to 5 of the counter affidavit contended that there is some responsibility lies with the Opposite Party No.2 and unless the

discharge of duties at the end of the Opposite Party No.2 is undertaken, the Cuttack Development Authority remains unmoved.

4. There is no dispute to such submission either by learned counsel for Petitioner or by learned State Counsel.

4. Keeping in view the submission of Mr. Mohapatra, learned counsel for the Cuttack Development Authority, this Court finds, there is requirement of discharge of duty by the Opposite Party No.2 and as a matter of further cause of action, the Cuttack Development Authority has to discharge its part. This Court, therefore, directs the Opposite Party No.2 to complete its responsibility part as narrated in paragraph nos.3 to 5 of the counter affidavit at least within a period of two months from the date of communication of a certified copy of this order by the Petitioner and basing on development of such response of the Opposite Party No.2, action as appropriate shall be undertaken by the Cuttack Development authority also within a reasonable period of time.

5. The Writ Petition stands disposed of with the above observation and direction.

(Biswanath Rath)
Judge

Ayaskanta Jena