

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.21782 OF 2022

Debendra Parija

....

Petitioner

Mr.B.B.Swain, Adv.

-versus-

***Addl. Secretary, Finance Department,
Govt. of Odisha & ors.***

Opposite Party(s)

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
14.12.2022**

Order No.

02. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“It is, therefore, prayed that this Hon’ble Court may graciously be pleased to issue a Rule “NISI” calling upon the Opp.Parties to show cause as to why ;

- (i) the Opp. Party Nos.1 & 2 shall not be directed to return the money deposited by the Petitioner along with interest;
 - (ii) the Opp.Party Nos.1 & 2 shall not be directed to accept the application of the Petitioner either through online or offline for return of his money;
 - (iii) the action of Opp.Party No.1 not to consider the representation under Annexure-5 series shall not be held as illegal, arbitrary and contrary to law;
- If the Opp.Parties fail to show or show insufficient cause then the Rule shall be made absolute;

And pass any other order/orders, direction/directions as may be deemed fit and proper;

And for this act of kindness the Petitioner as in duty bound shall ever pray.”

3. Learned counsel for the Petitioner in reference to Annexure-3 submits, the Petitioner being an Applicant for a piece of land, though the property of the Hitech Estates & Promoter Pvt. Ltd. brought in a OPID Proceeding based on deposit of some amount by the Company involved, there has been publication of advertisement by the A.D.M. & Competent Authority, Cuttack, O.P.2 for distribution of such amount amongst the land losers. The advertisement stipulated the date, by which claims to have been made but Petitioner could not be an Applicant by such date. Through the pleading and through Annexure-4, learned counsel for the Petitioner claimed, for the Petitioner not being able to notice such advertisement could not apply within the time stipulation, however, after coming to know such discharge of responsibility, the Petitioner, has already made a representation, vide Annexure-5 to the Additional Secretary, Finance Department, O.P.1. It is alleged, there is no response to the same as of now.

4. Learned Additional Government for the O.Ps., however, submitted that the Application at Annexure-5 could not be considered by the A.D.M. and the Competent Authority for not being addressed to the A.D.M. and the Competent Authority, the

Petitioner ought to address such request to the person in-charge of such consideration.

5. Considering the rival contentions of the Parties, this Court finds, though there is scope for Application of the Petitioner being considered through advertisement at Annexure-3 even involving belated Application but the Petitioner has to apply the Competent Authority for taking into account such request. For the misdirected representation, this Court finds no Mandamus can be issued to the A.D.M. and the competent Authority, O.P.1 for considering such issue.

6. In disposal of the Writ Petition as not entertainable, this court, however, observes, in the event the Petitioner makes a fresh Application to the A.D.M., O.P.2, along with copy of this order within seven days hence, the same shall be considered and disposed of accordance with law.

(Biswanath Rath)
Judge

M.K.Rout