

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 25062 of 2022

Aju Das and others

.....

Petitioners

Mr. S.R. Pati, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr.J.P. Patnaik, G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.R. Pati, learned counsel appearing for the petitioners and Mr. J.P. Patnaik, learned Government Advocate for the State.
3. The petitioners have filed this Writ petition seeking direction to the opposite parties to allot EWS house in their favour.
4. Mr. S.R. Pati, learned counsel for the petitioners contended that the petitioners have earlier approached this Court by filing in W.P.(C) No. 26744 of 2021, which was disposed of by this Court vide order dated 27.09.2021 directing the Commissioner, BMC as well as Secretary BDA to consider the comprehensive representation of the petitioner and to pass a reasoned order. It is contended that even through the representation was filed, but the petitioners were never called upon to address their grievances, rather the order was passed extending the benefits to some of the Petitioners of the earlier writ petition, excluding the present petitioners, though their names find place in the list prepared by the authority concerned and the same list was annexed as Annexure-2 to the writ petition. Thereby, the

exclusion of the name of the petitioners for extension of the benefit of EWS house is arbitrary, unreasonable and contrary to the provisions of law and as, such, the same is also discriminatory one.

5. Mr. J.P. Patnaik, learned Government Advocate appearing for the State Opposite Party contended that though the dispute is between the BDA vis-à-vis the petitioner, but fact remains since this Court is considering the matter at the stage of admission, and it appears that no opportunity was given to the petitioners, in that case, it is open to the petitioners to pursue their remedy before the authority concerned.

6. Having heard learned counsel for the parties and after going through the record, it appears that even though the present Petitioners were also the petitioners in W.P.(C) No. 26744 of 2021, which was disposed of vide order dated 27.09.2021, but their representation was rejected without assigning any reason and as such excluding the petitioners, the benefit was extended to some other petitioners, even though the name of the petitioners finds place in the list prepared by the authority concerned. In view of such position, since the petitioners stand in the same footing with that of the persons to whom the benefit was extended pursuant to the order passed by the authority, it is open to the petitioners to file application before the Secretary BDA for recalling the order dated 22.11.2021 so far as it relates to them and to give opportunity of hearing to them as their names find place in the list prepared by the authority concerned.

7. With the above observation/direction, the writ petition stands disposed of.