

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.26511 OF 2022

Fatima Un Nisha @ Fatima Nisha & Petitioners
anr.

Ms.Reshma Behera, Adv.

-versus-

State of Odisha & ors. Opposite Party(s)

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
17.11.2022**

Order No.

3. 1. Heard learned counsel for the Parties.
2. In course of hearing, this Court finds, the Writ Petition involves an allegation of alleged illegal construction by the Development Authority itself in absence of any right, title and interest. The Petitioners appear to be claiming right over the disputed property by virtue of some Civil Court decree as well as relinquishment deed involved therein. This Court here finds, the Petitioners in this respect have already made an Application to the Berhampur Development Authority for its consideration as appearing at Annexure-2.

3. For pendency of such Application and as a lawful decision is required to be taken by the Development Authority on such issue, this Court without wasting a further minute time directs the Development Authority, O.P.2 to take a decision on the request of the Petitioners at Annexure-2 and pass lawful order after involving the Petitioners in personal hearing within a period of three weeks from the date of communication of this order. The Petitioners, if so advised, may provide the documents supporting their case. Till a decision is taken on the Application of the Petitioners, status quo as on date in respect of the property be maintained. The Petitioners are permitted to supply copy of this order along with copy of the Writ Petition on O.P.2 at least within seven working days and take the date of hearing. It may be open to the Petitioners to file documents supporting their case and/or additional response, if any, on the date of their appearance.

4. With the above order, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout