

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24201 OF 2019

With

**W.P.(C) Nos.15970/2020 & 22623, 22624, 22625, 22626, 22627, 22628,
22629, 22630, 22631, 22633, 22634, 22636 & 22637 OF 2022**

In W.P.(C) No.24201 OF 2019

Dr. Himansu Sekhar Nanda

..... Petitioner(s)

Mr.S.K.Sarangi, Sr.Adv.

Mr.R.C.Behera, Adv.

In W.P.(C) No.15970 OF 2020

Asha Das

... Petitioner

Mr.P.C.Das, Adv.

In W.P.(C) Nos.22623 to 22631, 22633, 22634, 22636 & 22637 of 2022

Ranjulata Behera

Debadutta Mishra

Rabindranath Sahani

Smruti Ranjan Das

Surendra Prusty

Nabin Kumar Mallik

Amrit Jena

Umme Salma

Badrinarayan Routray

Srinivas Barik

Santosh Kanungo

Sarat Chandra Lenka

Jadabananda Mohapatra

... Petitioners

-versus-

State of Odisha and others

.... Opposite Party(s)

Mr. S.Mishra,ASC

Mr.D.Mohapatra,

Advocate

CORAM:

JUSTICE BISWANATH RATH

ORDER

05.09.2022

Order No.

08. 1. Heard learned counsel for the Parties.

2. In course of hearing, it is observed the Writ Petitions have a common issue involving an attempt of the Development Authority going for allotment of a piece of land in a posh locality in Sector-8 in favour of the people in lower strata considering landlessness in such people. Learned counsel for Petitioners appear to have been claiming right of Petitioners involved over the property already decided to be allotted in favour of the people in lower strata as per the particular available in Annexure- A/4 to the counter affidavit. Perusal of the same, this Court finds, this document does not establish above claim of the Petitioners. Mr. Mohapatra, learned counsel for Opposite Parties submits Petitioners have already obtained some short of direction in the previous round of litigation and the Collector involved is yet to take a call on the issue involved. Mr. Mohapatra, learned counsel for the Opposite Parties brings to the notice of the Court that allotment under dispute were made in 2000 and with fullest right of development authority over the property involved. It is also reported to the Court that in the meantime there is handing over of possession of a portion of land at least to ten persons so eligible.

3. In course of hearing this Court finds, there has been already attempt by way of a writ in W.P.(C) No.15190 of 2019 disposed of by the Division Bench. Taking to the disclosure of number of Sectors-12, there is some objection raised by learned counsel for the Petitioners that it should have been rather Sector-8 and there involves typographical error. This Court does not want to enter into such aspect at this stage. Petitioners if so advised may further take appropriate exercise in the disposed of Writ Petition. It appears from page-14, following the direction of this Court in the PIL, there is already representation at the instance of Sector-8 Residential Association, Markat Nagar, Bidanasi, Cuttack before pending with

the Collector, Cuttack since 29.11.2019. For the direction of the High Court in disposal of PIL, Collector-Opposite Party No.2 therein is to take a decision and as appears there is no decision of representation by the Collector as of now.

4. Considering the grievance of the Petitioner and for already a direction by the Division Bench for ventilating the grievances before the Collector, Cuttack and the Collector, Cuttack appears to have received such representation at the instance of Residential Association in the event such representation is still pending, there should be lawful outcome on such representation.

5. Keeping in view the matter is still not considered by the Collector, Cuttack, this Court in disposal of all these Writ Petitions directs the Collector, Cuttack to take a call on the grievance of the Petitioners/ Association involved, keeping in view the detailed orders involving the Writ Petitions and taking a lawful decision involving the Development Authority as well as the representatives of the Residential Association of Sector-8 and the representatives of people/allottees likely to be aggrieved by such decision, decision as appropriate be taken within a period of two months from the date of communication of this order by the Petitioners. Development taken place in the meantime shall remain bound by the ultimate outcome in the order of the Collector.

6. Considering the nature of grievance, this Court also observes in the ultimate event of allotment to the people in lower strata, looking to the nature of residents in Sector-8, it becomes the responsibility of the Development Authority to maintain decency and decorum in the locality.

7. The Writ Petitions stand disposed of.

8. Free copy of this order by handed over to learned State Counsel. Learned counsel for the Petitioners are directed to serve one extra copy of each of the Writ Petitions to Mr. Mishra, learned Additional Standing Counsel for appropriate communication to the Collector, Cuttack.

(Biswanath Rath)
Judge

Swarna

