

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.28916 OF 2022

Bijoy Kumar Patra

....

Petitioner

Ms.P.Naidu, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.Ghosh, AGA

Mr.D.Mohapatra, Adv.

CORAM:

JUSTICE BISWANATH RATH

Order

No.

2.

ORDER

23.11.2022

1. Heard learned counsel for the Parties. On the oral request made, learned counsel for the Petitioner is permitted to make necessary correction in the Cause Title of the Writ Petition in Court itself.

2. The Writ Petition involves the following prayer :-

“The Petitioner, therefore, most humbly prays that this Hon’ble Court be graciously pleased to admit the writ application, issue notice to the Opposite Parties and upon hearing the parties be pleased direct the Opposite Parties no.2 and 3 to accord permission for “E Category” Plot No.13-2E/451, in Markat Nagar, Sector-13, CDA, Bidanasi Project, Cuttack...”

3. In course of hearing, it appears, the Writ Petition involves non-consideration of the third party transfer application pending at the hand of the Development Authority.

4. In course of hearing, Mr.Mohapatra, learned counsel for the Development Authority, however, submits, unless the decision on

the single allotment and also involving discretionary quota in Annexure-4 is taken up, there is no room for considering the application for transfer. There is, however, no dispute at the Bar that the dispute involving single allotment under discretionary quota is already resolved by this Court in disposal of W.P.(C) No.25959/2022 on 30.9.2022.

5. In the circumstance, this Court while disposing of the present Writ Petition directs the Development Authority to consider the validity in the allotment involving Annexure-4 keeping in view the direction of this Court in W.P.(C) No.25959/2022 issued on 30.9.2022 and then proceed to take a decision on the request of the Petitioner on the transfer permission application, vide Annexure-5 series. The entire exercise may be undertaken within a period of one and half months from the date of communication of this order. This Court observes, if ultimately the permission to alienate is granted, the required work shall also be completed within a further period of one month.

(Biswanath Rath)
Judge

M.K.Rout