

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.28998 OF 2022

Rabi Narayan Das

....

Petitioner

Mr.L.Sarang, Adv.

-versus-

***Bhubaneswar Municipal Corporation
& anr.***

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
9.11.2022**

Order No.

01.

1. Heard learned counsel for the Petitioner.
2. Undisputedly, the Writ Petition involves an order of the Development Authority under the provision of Sub-Section (1) of Section 91 of the Orissa Development Authorities Act, 1982. There is also no denial that an appeal provision is also provided under the provision of Sub-Section (2) of Section 91 of the Orissa Development Authorities Act, 1982.
3. Learned counsel for the Petitioner submits that for no involvement of the Petitioner in the 91 Proceeding, it becomes difficult on the part of the Petitioner to challenge such order in Appeal.

4. Considering the constraint with the Petitioner in preferring Appeal, this Court permits the Petitioner to prefer Appeal within two weeks along with an application for leave before the Appellate Authority. In the event the Appeal is filed along with Leave Application for prosecuting the leave, the Leave Application shall be allowed and the Proceeding on being entertained shall be disposed of accordance with law but however providing opportunity to the Parties likely to be affected. Considering the oral submission of the Petitioner that there is threat of demolition on the basis of 91 order, this Court grants protection to the Petitioner for three weeks.

5. With this observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout