

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.4319 of 2015

Kailash Chandra Panda Petitioner

-versus-

State of Odisha & Ors. Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
12.07.2022**

Order No

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. B.B. Mohanty, learned counsel for the Petitioner and Mr. Das, learned Standing Counsel for the State.

3. The Petitioner is aggrieved by the order dated 21.09.2015 passed by the Opposite Party No.3, wherein the benefit of RACP extended in favour of the Petitioner vide order dated 27.12.2013 under Annexure-7 was directed to be withdrawn.

4. Mr. Mohanty submitted that the said order was passed pursuant to the instruction issued by the Government in the Department of Revenue Disaster Management vide Memorandum dated 27.08.2015.

5. It is further submitted that this Court while issuing notice of the matter stayed the operation of the order dated 21.09.2015 under Annexure-8 and because of that the Petitioner is continuing with the benefit of RACP.

6. Mr. Mohanty, further submitted that the resolution basing on which the impugned order was passed by the Collector under Annexure-8 has been quashed by the learned Tribunal in its order dated 09.01.2019 passed in O.A. No.1379 of 2018 and batch.

7. It is further submitted that order dated 9.1.2019 was never challenged by the State- opposite parties and in the meantime the Government has issued necessary directions to extend the benefit in favour of the Petitioner and similarly situated Amins. Even though notice of the Writ Petition has been issued on 16.10.2015, but no counter affidavit has been filed till date.

8. Therefore, in absence of any contrary pleading to the writ petition and the order relied on by Mr. Mohanty passed in O.A. No.1379 of 2018 & batch, this Court while quashing the order under Annexure-8, directs the Opposite Party No.3 to take a fresh decision in the light of the order passed by the learned Tribunal on 09.01.2019, if there is no other legal impediment.

9. Since it is submitted that the Petitioner is getting the benefit as has been allowed vide order dated 27.12.2013, the same shall continue till a fresh decision is taken by the Collector as directed hereinabove. The entire exercise shall be completed within a period of three months from the date of receipt of this order.

10. With the aforesaid observations and directions, all these Writ Petitions are disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha