

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.29051 OF 2022

Namita Nanda

....

Petitioner

Mr.D.P.Jena, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
24.11.2022**

Order No.

1. 1. Heard learned counsel for the Parties.
2. 2. The Writ Petition involves the following prayer :-

“It is, therefore, prayed that this Hon’ble Court be pleased to admit the Writ Petition, issue notice to the Opp.Parties to show cause as to why the representation under Annexure-3, shall not be considered prior to construction (extension of road) of village road.

If the Opp.Parties fail to show cause and show insufficient cause the said direction may be made absolute.”

3. 3. Bringing reference to Annexure-3 & 4 and making comparison through the plan position at Pages-9 & 10 of the Brief, a serious complain is made that there is attempt for extension of road position by taking out the Petitioner’s own land. The Petitioner also alleges, in the construction or extension of the road provision even though there is available of gochar land to the side of such road, the

Public Authority instead of utilizing the gochar land is trying to take out the personal land of the Petitioner without involving acquisition process even.

4. Learned State Counsel submits, for pendency of the request of the Petitioner, vide Annexure-3 & 4, the Writ Petition may be premature.

5. Considering the rival contentions of the Parties and keeping in view the serious allegation of the Petitioner that even though there is availability of gochar land to the side of the road, there is illegal taking out of the Petitioner's own land but however keeping in view the pendency of the request of the Petitioner on the selfsame issue, this Court in disposal of the Writ Petition directs the Collector, Kendrapara, O.P.2 to engage a competent Officer to be involved in an enquiry to find the truthfulness in the allegation of the Petitioner and dispose of the representations of the Petitioner at Annexure-3 & 4 in accordance with law. In the event the extension of road construction is not undertaken as of now, same may be prevented for at least one month, within which Annexure-3 & 4 shall be disposed of.

(Biswanath Rath)
Judge

M.K.Rout