

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.317 of 2016

Madhusudan Banchhur

....

Petitioners

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

18.07.2022

Order No

01.

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

2. Heard Mr. Mohanty, learned counsel for the Petitioner and Mr. Balabantaray, learned standing counsel appearing for the Opp. Parties.

3. The Petitioner is aggrieved by the order of recovery issued against him on 26.05.2015 vide Annexure-1 by the DFO, Rourkela K.L. Division. It is submitted that without giving any show cause and without affording any opportunity of hearing, the said Opp. Party basing on Audit report issued the order of recovery under Annexure-1.

4. Even though while issuing notice of the matter, this Court passed an interim order staying the recovery, but no counter has been filed in the present case. Since there is no dispute that basing on audit report, the impugned order of recovery has been issued and that too without any show-cause, whatsoever, this Court while disposing the writ Petition directs the Opp. Party No. 4 to redetermine the claim by

giving reasonable opportunity of hearing to the Petitioner and by following the decisions of the Hon'ble Apex Court governing the field. This Court accordingly quashes the order at Annexure-1 and directs the Opp. Party No. 4 to take a fresh decision within a period of three (3) months from the date of receipt of this order.

5. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

