

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.35291 OF 2020

Jharana Rout

....

Petitioner

Mr.M.Sinha, Adv.

-versus-

***Bhubaneswar Development Authority
& ors.***

....

Opposite Party(s)

Mr.D.Mohapatra, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
14.12.2022**

Order No.

- 04.
1. Heard learned counsel for the Parties.
 2. Learned counsel for the Petitioner while taking this Court through the pleading submits, there is requirement at this point of time of a direction against the Development Authority for clearing the desk for execution of the deed involved herein between the Petitioner and the private O.P.3.
 3. In his opposition, Mr.D.Mohapatra, learned counsel for the Development Authority submitted, for there is change in the situation, a Power of Attorney Holder has died, there is still requirement of some answer from the Petitioner in discharge of the responsibility of the Development Authority.

4. This Court also records the submission of Mr.D.Mohapatra, learned counsel for the Development Authority that O.P.3 is not turning and responding to the queries of the Development Authority. This Court also finds, the Writ Petition involves disputed questions of fact. There is no possibility of entertaining such Writ Petition, which thus stands dismissed. Dismissal of the Writ Petition shall however not stand on the way of the Development Authority in taking a lawful decision in the event any cause of action still survives. Further the issue involved is live, it may be open to the Petitioner to respond the call of the Development Authority in resolving the issue.

(Biswanath Rath)
Judge

M.K.Rout

