

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.29914 OF 2022

Arun Kumar Bhuyan

....

Petitioner

Ms.D.Mahapatra, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA
Mr.D.Mohapatra, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
7.12.2022**

Order No.

05.

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

“Under the facts and circumstances as narrated above, this Hon’ble Court may graciously be pleased to issue rule Nisi to the opposite parties and if the opposite parties will fail to show cause or shown insufficient cause, make the said Rule absolute by directing the opposite parties to grant approval of the plan in respect of the Plot in question in favour of the petitioner and to make sale deed in favour of the petitioner and quash the letter dated 23.12.2020 under Annexure-7...”

3. Taking this Court to the impugned rejection order at Annexure-7, learned counsel for the Petitioner submits, there has been rejection of the plan approval applied at the instance of the Petitioner by the Development Authority on the premises of plot

being allotted under discretionary quota and is under investigation. While rejecting the claim of the Petitioner, it has also been indicated therein that till finalisation of the proceeding, the proposal cannot be considered.

4. For the opinion of this Court, this is not a complete rejection of the plan approval of the Petitioner and the Petitioner has still the scope of consideration.

5. Be that as it may, filing counter affidavit on behalf of the Development Authority, Mr.D.Mohapatra, learned counsel appearing for it, brings to the notice of this Court that there is already a proceeding pending, vide Annexure-A/1 series involving the notice to show cause for cancellation of the plot standing against the Petitioner. Through the pleading in the counter through Paragraph-7, it is claimed, for pendency of the proceeding, it is necessary to first dispose of the proceeding and dependent on the outcome in the said proceeding (Annexure-6), a decision is still available to be taken on the request of the Petitioner, as informed, vide Annexure-7.

6. There is no dispute at the Bar that there has been a decision of this Court in the matter of single discretionary quota allotment, which also applies to the case at hand but for the opinion of this

Court, for pendency of the proceeding against the Petitioner and the impugned order was passed on 23.12.2020 giving a development through the decision of this Court to the issue involved therein recently, vide W.P.(C) No.5274/2022 disposed of on 19.7.2022, this Court finds, the proceeding involving the Petitioner, vide Annexure-A/1 series must be disposed of within a time frame at least within period of one and half months. Decision process may also involve consideration of the judgment of this Court in W.P.(C) No.5274/2022.

7. In disposal of the Writ Petition, the Secretary, Cuttack Development Authority is directed to revive the proceeding, vide Annexure-A/1 series and complete the entire exercise keeping in view the judgment of this Court dated 19.7.2022 passed in W.P.(C) No.5274/2022 at least within a period of one and half months from the date of communication of this order by the Petitioner. Dependent on the outcome, there should be also decision on the request of the Petitioner on the plan approval involving the Plot involved herein. It is made clear, in the event the proceeding goes in favour of the Petitioner, decision on the plan approval aspect involving the Petitioner may also be concluded within a period of one month thereafter.

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

(Biswanath Rath)
Judge

M.K.Rout

