

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.30826 OF 2022

Lalit Dash

....

Petitioner(s)

Mr.J.K.Mohapatra,Adv.

-versus-

State of Odisha and another

....

Opposite Party(s)

Mr.S.Ghosh,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
24.11.2022

Order No.

02.

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

“In the aforesaid circumstances, it is humbly prayed that this Hon’ble Court be pleased to admit the writ petition, issue notice to the Opposite Parties calling for show cause as to why this writ application shall not be allowed and if the Opposite Parties fail to file any show cause or file insufficient case the writ petition be allowed, the Opp. Parties be directed to intimate the premium amount and the date of deposit of the same and to allow the petitioner for execution of lease deed/agreement after depositing the premium amount and to hand over the said allotted plot within a stipulated period.

And for the said act of kindness, the Petitioner as in duty bound shall ever pray.”

3. Pleadings discloses that on an application of the Petitioner to the General Administration Department for allotment of a vacant plot also indicated therein, there has been decision by the competent authority in the allotment of residential plot at Chandrasekharpur,

Bhubaneswar bearing No.145, Drg. No.B/132 by taking decision on 19.04.1990. Even though such a decision was taken by the competent authority and decision favours the Petitioner, but the Petitioner is not in receipt of any such communication. However in the subsequent attempt of the Petitioner through the provisions of R.T.I. Act, Petitioner has been provided information through the communication vide Annexure-3 establishing at page-17 of the brief on the plea of the Petitioner in the allotment of land involved subject to however premium to be deposited at the relevant point of time.

4. Taking this Court to further pleadings, Mr.Mohapatra, learned counsel for the Petitioner submits that the land involved there is still lying vacant. Through the Writ Petition, Petitioner makes a request for a direction to the General Administration Department to consider his request for assignment of the land already allotted since 19.04.1990 either taking the premium decided then together with admissible interest or even with premium presently prevailing. Petitioner since has already made a request to the competent authority vide Annexure-4, Mr.Ghosh, learned Additional Government Advocate submits let the matter be left with the General Administration Department for their decision instead of entertaining such Writ Petition at this stage of the matter.

5. Considering the rival contentions of the Parties, as this Court finds, there was already an order in favour of the Petitioner in the allotment of the very same land since 19.04.1990 by the competent authority and further the information at page-16 of the brief discloses the decision of the Government being sent to the Petitioner returned unserved in the year 1990, this Court observes, in the event the land involved herein is still lying vacant and not allotted in favour of the third party in the meantime, request of the Petitioner vide Annexure-4

be considered and fresh order on the allotment of the Petitioner of the land involved on the terms set by the Petitioner even agreeing ready to deposit the premium prevailing at this point of time. Decision process may involve the direction of this Court through W.P.(C) No.23171 of 2022. Entire exercise be concluded at least within a period of one and half months from the date of communication of certified copy of this order along with copy of the Writ Petition however also certified copy of order dated 30.09.2022 in W.P.(C) No.23171 of 2022.

6. The Writ Petition stands disposed of.

(Biswanath Rath)
Judge

Swarna

