

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 31424 of 2022

**Raghumani Harijan @ Raghunath
Domb**

.....

Petitioner

Mr. R.R. Mishra, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. H.M. Dhal, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

06.12.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. R.R. Mishra, learned counsel for the petitioner and Mr. H.M. Dhal, learned Addl. Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking direction to opposite parties no.3 and 4 to extend him the cash based rehabilitation assistance for Ret Irrigation Project, as has been extended to similarly situated persons as per Annexure-5, within a stipulated time.

4. Mr. R.R. Mishra, learned counsel for the petitioner contended that initially the name of the petitioner has been included in the list. Subsequently, though out of 18 persons, 11 similarly situated persons have been extended with the benefits, but the petitioner along with seven others have been excluded from the list. Thereby, the petitioner is deprived of getting the benefits in accordance with law. Therefore, he has approached this Court by filing the present writ petition.

5. Mr. H.M. Dhal, learned Addl. Government Advocate appearing for the State-opposite parties contended that as to why the name of the petitioner along with others have been excluded from the list, though the same was settled in his favour earlier,

nothing has been indicated in the pleadings itself. In any case, if the petitioner has any grievance, he may approach the authority concerned as to why his name has not been included in the list, while similarly situated persons have been extended with the benefits. Instead of approaching the appropriate authority, the petitioner has approached this Court by filing the present writ petition, which cannot sustain in the eye of law.

5. Having heard learned counsel for the parties and after going through the records, this Court finds that though the name of the petitioner was included in the list for cash based rehabilitation assistance, but subsequently his name got excluded and, as such, no reason has been indicated in the pleadings with regard to such exclusion. Therefore, it is open to the petitioner to pursue his remedy before the authority concerned for inclusion of his name for extension of cash based rehabilitation assistance when similarly situated persons have been extended with the benefit. In the event the petitioner approaches the authority ventilating his grievance by filing appropriate application, the said authority shall consider the same and pass a reasoned and speaking order by affording opportunity of hearing to the petitioner in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the case.

6. The writ petition is accordingly disposed of.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE