

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.38959 of 2021

Santosh Mati

....

Petitioner

Mr. P.K. Pattanaik,
Advocate

-versus-

***Bhubaneswar Municipal
Corporation***

....

Opposite Parties

Mr. N. Panda,
Advocate

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
10.01.2021**

Order No.

02. 1. Question arose on the enjoyment of the Kiosk No.83 being allotted in favour of the Petitioner, whether the Petitioner can still ask for a substituted kiosk at Rajmahal Square?
2. While answering to the above question, Mr. Pattanaik, learned counsel for the Petitioner drawing the attention of this Court to the representation at page 30 of the brief attempted to establish that through such representation the Petitioner has already requested for returning / submission of the key of the shop no.83. Such request of the Petitioner appears to have been received by the Office of the Bhubaneswar Municipal Corporation with their seal and signature dated 17th November, 2021.
3. In his opposition Mr. Panda, learned counsel for the Bhubaneswar Municipal Corporation on instruction submitted that

the Petitioner is still in possession of the Kiosk No.83. Therefore his claim under Annexure-9 cannot be considered.

4. Keeping all these things in view and since the Petitioner has already requested for returning / submission of the key of the kiosk no.83, this Court directs the Bhubaneswar Municipal Corporation to take possession of the shop/kiosk no.83 forthwith and consider the request of the Petitioner under Annexure-9 keeping in view that the Petitioner has already returned the Kiosk No.83.

5. The entire exercise shall be completed by passing a lawful order within a period of three weeks from the date of communication of a copy of this order by the Petitioner.

6. With the aforesaid direction the writ petition stands disposed of.

7. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge