

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 33831 OF 2022

Prafulla Kumar Mahapatra ***Petitioner***

Mr. Bikram Pratam Das, Advocate

-versus-

Odisha State Housing Board, ***Opp. Parties***
Bhubaneswar and others

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
22.12.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to the Odisha State Housing Board-Opposite Party No.1 to execute the Lease-cum-Sale Deed in respect of 2000 sq. ft. of land instead of 1000 sq. ft. as proposed in the draft lease deed enclosed to the letter dated 24th June, 2022 (Annexure-10).
3. Mr. Das, learned counsel for the Petitioner submits that pursuant to an advertisement by the Odisha State Housing Board (for short 'the Board'), the Petitioner applied for allotment for a LIG house. Accordingly, he was allotted with a LIG house bearing No.L-209 in LIG Housing Scheme, Phase-IV, Dumduma, Bhubaneswar. The area of the plot was 1000 sq. ft. A vacant land of 1000 sq. ft was lying adjacent to the allotted land and house of the Petitioner. No construction could be made on the said plot, as the high voltage line is being drawn over the same. Thus, the Petitioner submitted a proposal to the Board to allot the said vacant land in favour him adjacent to his allotted plot. Considering the request of the Petitioner, the Board vide its

letter dated 9th August, 2006 under Annexure-5 intimated as under:

“Sir,

With reference to your letter, I am to say that the loan account in respect of house No.LIG-209, Dumduma, Phase-IV allotted in your favour has been settled and the loan account closing certificate has been issued to you vide letter No.18613 dtd. 1.12.04. Besides, the No Demand Certificate in respect of the said house is enclosed herewith.

As regards the execution of conveyance deed and allotment of extra land it is to inform that the lease deed in respect of the land is yet to be executed by the Govt. in G.A. Deptt. in favour of O.S.H.B. Soon after execution of the same the O.S.H.B. will be able to execute the conveyance deed in respect of the house in your favour and the extra land will also be leased out to you.”

4. Thus, the Petitioner remained under an impression that after getting clearance from the Government, a Lease-cum-Sale Deed would be executed in favour of him for an area of 2000 sq.ft along with house standing thereon. But surprisingly, vide the letter under Annexure-10, the Petitioner has been intimated to execute a lease deed of an area of 1000 sq. ft only. It is submitted by Mr. Das, learned counsel that the Petitioner has already deposited the cost of the vacant land situated adjacent to his allotted plot. In that regard, the Petitioner submitted a grievance petition before the Secretary of the Board on 15th July, 2022 under Annexure-11, but it has not yet been responded. In spite of several verbal requests of the Petitioner, the Officials of the Board are not paying any heed to execute the sale deed for the entire area of 2000 sq. ft. along with the house standing thereon. They are insisting upon to execute the draft Lease Deed

appended to the Letter under Annexure-10. Hence, finding no other alternative, this writ petition has been filed.

5. Taking into consideration the submission made by learned counsel for the Petitioner, this Court is of the considered opinion that a decision should be taken on the grievance petition of the Petitioner by the Secretary of the Board at an early date.

6. In that view of the matter, this Court taking into consideration the submission of learned counsel for the Petitioner to the effect that the Petitioner has deposited the consideration money for the vacant land of 1000 sq. ft., which has been assured to be allotted in favour of the Petitioner vide Annexure-5, this Court disposes of the writ petition with a direction to the Odisha State Housing Board-Opposite Party No.1 to take a decision on the grievance petition of the Petitioner under Annexure-11 as expeditiously as possible preferably within a period of four weeks from the date of production of certified copy of this order along with the copy of Annexure-11 and communicate the decision thereof to the Petitioner forthwith.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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