

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.40422 of 2021

Ascend Telecom Infrastructure Pvt. Petitioner(s)
Ltd.

Mr. S.K. Mohanty,
Advocate

-versus-

BBSR Development Authority & Opposite Party(s)
Anr.

Mr.D. Mohapatra,
Advocate

CORAM:
JUSTICE BISWANATH RATH
ORDER
04.01.2022

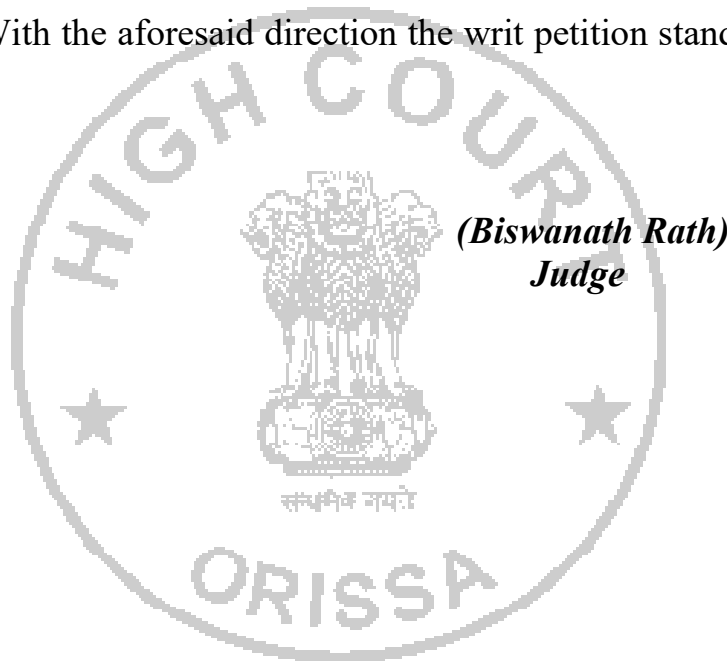
Order No.

1. 1. Through the writ petition a serious allegation is made that the original proceeding under the provision of the O.D.A. Act has been disposed of simply considering the allegation of the inhabitants and basing on some sort of reports obtained in the process of investigation, but however, in absence of any opportunity of hearing and objection to the parties likely to be affected.
2. 2. Keeping in view the above allegation, this Court observes, in the event the proceeding has been concluded without involving the parties likely to be affected pursuant to the demolition process, then such proceeding is wholly not permissible in the eye of law.
3. 3. In the above circumstance this Court observes, in the event the Petitioner has not been provided with opportunity of contest in the proceeding vide UAP Case No.44/19 disposed of on 6.01.2020, such proceeding will be reopened and a fresh exercise shall be undertaken to dispose of such proceeding taking into account the

objection of the Petitioner to be filed along with a copy of this order within ten days hence and also involving the complainant involved herein as well as the land-owners involved.

4. The entire exercise be completed within a period of six months from the date of submission of objection. It is further directed that in the event the proceeding is reopened for no opportunity to the Petitioner, till a decision is taken pursuant to this direction, no coercive action shall be taken against the Petitioner involving the disputed area.

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



Ayaskanta Jena