

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.40738 of 2021

**Surendranath Naik @
Kusumalia**

....

Petitioner

Mr. S.K.Dash,
Advocate

-versus-

Union of India & others

....

Opp. Parties

Mr. S.K.Samal,
Additional Government Advocate
Mr.P.K.Parhi, Addl. Solicitor General for
O.P. No.1.

**CORAM:
JUSTICE BISWAJIT MOHANTY**

ORDER

12.01.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. Heard Mr.S.K.Dash, learned counsel for the petitioner and Mr.S.K.Samal, learned Addl. Government Advocate for the State.
3. According to Mr.Dash, the petitioner is aggrieved by extension of the benefits under Pradhan Mantri Awas Yojna in favour of opposite party Nos. 5 and 6 so as to enable them to construct the house over Plot No. 1622 covering an area Ac.0.100dec. pertaining to Khata No. 404 under Mouza Karanjia, Tahasil-Karanjia in the district of Mayurbhanj though the same land is jointly owned and is the subject matter of partition between the petitioner and other parties including opposite party Nos. 5 and 6 for which Civil Suit No. 383 of 2019 is pending in the Court of learned Senior Civil Judge, Karanjia. According to him if they are allowed to construct Pradhan Mantri Awas Yojna on such land then the equity among the parties will be disturbed. He further submits that though highlighting all the grievances the petitioner has approached the

Executive Officer, Karanjia N.A.C. (opposite party No.4) on 7.2.2020 under Annexure-3 by filing a representation however till date nothing has been done in the matter. In such background, he prays that a direction be issued to opposite party No.4 to take a decision on the above representation under Annexure-3 within a specific time period.

4. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs the Executive Officer, Karanjia N.A.C. (opposite party No.4) to take a decision on the above noted representation dated 7.2.2020 under Annexure-3 in accordance with law within a period of eight weeks from the date of receipt of copy of this order after giving reasonable opportunity of hearing to the petitioner as well as opposite party Nos. 5 and 6 namely, Rakhal Kusumalia and Basanti Kusumalia.

5. The writ petition is accordingly disposed of.

6. As the 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, modified by Notice No. 4798, dated 15th April, 2021, and Court's Office Order circulated vide memo Nos. 514 and 515 dated 7th January, 2022.

Kishore

(Biswajit Mohanty)
Judge