IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.28554 of 2026

CNR No. ODHC010660942026

Bharat Bhusan Dhal … ***Petitioner***

Mr. K. Panda, Advocate

-versus-

Odisha Industrial Infrastructure Development Corporation (IDCO), Bhubaneswar and others … ***Opposite Parties***

Mr. P.K. Mohanty, ASC

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):04.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. The only grievance of the writ petitioner is against non-consideration of his Appeal by OPNo.1.

3. Heard, Mr. Kaibalya Panda, learned counsel for the writ petitioner and Mr. P.K. Mohanty, learned ASC in the matter and perused the record.

4. Admittedly, the petitioner had earlier approached this Court in W.P.(C) No.26089 of 2017, which was disposed of on 22.03.2018 by an another Bench of this Court granting liberty to the writ petitioner to produce the certified copy of such order along with a copy of the brief in W.P.(C) No.26089 of 2017 within ten days thence and on such event, if the Appeal is not registered, OPNo.1 shall register the same as an appeal and take up the same after affording reasonable opportunity of hearing to the

petitioner and IDCO and decide the matter within sixty days from the date of production of certified copy of the said order along with a copy of the brief. Pursuant to such order and after much persuasion in contempt proceeding in CONTC No.384 of 2019, the appeal of the petitioner was heard and the OPNo.1 *inter-alia* passed the following order: -

> *"Since the Plot No. 29 measuring Ac.0.057 corresponding to Revenue Plot No. 6(P), Khata No.474/1607 Mouza Patia. Chandaka Industrial Area comes under the order of National Green Tribunal, Eastern Region, Kolkata, any change or modification in land use is not possible without the leave of Hon'ble NGT. Therefore, the appeal of the petitioner cannot be allowed at this stage. As and when Hon'ble NGT passes its final order, the representation would be considered on its merit."*

5. What cannot be denied in this writ petition is that the proceeding as referred to in the aforesaid order has already been disposed of by a Bench of NGT on25.03.2022 in Original Application No.100/2017/EZ. Right now, the solitary grievance of the petitioner is against non-consideration of his appeal, even after disposal of the proceeding by the Bench of NGT. In the aforesaid facts and situation and on consideration of materials and documents placed on record and there being the only grievance of the petitioner is for non-consideration of his Appeal pursuant to the order passed by the NGT and keeping in view the innocuous

prayer as advanced by the writ petitioner for consideration and disposal of the appeal, this Court without delving into the matter on merit, considers it proper to direct OPNo.1 to consider and dispose of the Appeal of the writ petitioner within thirty(30) days from the date of the production of copy of this order and to communicate the result thereof to the writ petitioner within seven(07) days next thereafter, since OPNo.1 himself had earlier passed an order by communicating to the petitioner vide File No.-HO/ID/A/1811/01-96-19, 12077 dated 16.07.2019 enclosing the order mentioning therein as an when the NGT passes its final order, the representation (Appeal) of the writ petitioner would be considered on its merit. It is, however, clarified that OPNo.1 shall provide an opportunity of hearing to the petitioner in his Appeal, provided the portioner desires and co-operate OPNo.1.

6. Accordingly, the Writ Petition stands disposed of with aforesaid observation. Needless to say, this Court has not observed anything on merit and the authority concerned is free to pass any order in accordance with law.

(G. Satapathy)
Judge

Signature Not Verified
Subhasmita
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Signed by: SUBHASMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 05-Nov-2026 17:28:14