

(2022) 12 OHC CK 0110
In the Orissa High Court
Case No : Writ Petition (C) No.21982 Of 2021

Dinabandhu Barik

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 09-12-2022

Acts Referred:

Citation : (2022) 12 OHC CK 0110

Hon'ble Judges : Dr. S. Muralidhar, CJ; M. S. Raman, J

Bench : Division Bench

Advocate : Basudev Parida

Final Decision : Disposed Of

Judgement

1. The Court has perused the report dated 21st November, 2022 of the Secretary which as District Legal Services Authority (DLSA), Bhadrak who visited the site with prior notice for the Block Development Officer (BDO), Basudevpur, Collector, Bhadrak, the Project Director, District Rural Development Agency (PD, DRDA) Bhadrak as well as Sarapanch, Kismat Krushnapur Gram Panchayat (G.P.). According to the BDO Basudevpur, three projects have been taken up at the G.P. level i.e. (i) 5th SFC of Rs.5,00,000/- for the year 2021-22, (ii) 5th SFC of Rs.5,00,000/- for the year 2022-23 and (iii) MGNREG Scheme of Rs.10,00,000/- for the year 2021-22. It was admitted that construction of the guard wall could not be started on account of the protest of the local villagers but the Secretary DLSA impressed upon them to start work immediately without delay. Enclosed with the report of the Secretary, DLSA, Bhadrak are certain photographs and the detailed project reports.

2. Mr. Ishwar Mohanty, learned Additional Standing Counsel refers to a letter written by the BDO, Basudevpur to the Secretary, DLSA on 17th November, 2022 assuring that the work on the guard wall would start from 18th November, 2022. Obviously, the said assurance was not adhered to since the report of the Secretary, DLSA is dated 21st November, 2022 and it states that work is yet to

start. In addition Mr. Parida, learned counsel for the Petitioner states that even as of today i.e., 9th December, 2022, no work has commenced. Clearly, the assurance held out is not being adhered to by the authority.

3. In the circumstance, a specific direction is now issued to the Collector, Bhadrak, the PD,DRDA, Bhadrak and BDO, Basudevpur to ensure that the work on construction of the guard wall commences without any delay latest by 12th December, 2022. Report of compliance with its direction be placed before this Court before the next date indicating the status of construction, along with photographs. If the above direction is not complied with, the BDO, Basudevpur as well as the PD,DRDA, Bhadrak will remain present either in physical or in virtual mode before the Court on the next date.

4. A copy of this order will be sent forthwith by the Registry to the Collector, Bhadrak and BDO, Bhadrak. Additionally, it will be the responsibility of Mr. Ishwar Mohanty, learned Additional Standing Counsel to ensure that this order is immediately delivered to the aforementioned three officers for ensuring strict compliance.

5. List on 7th January, 2023.

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