

(2023) 04 OHC CK 0253
In the Orissa High Court
Case No : Writ Petition (C) No.5428 Of 2011

Indian Society for Rural Development	APPELLANT
Vs	
Union Of India & Ors	RESPONDENT

Date of Decision : 25-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0253

Hon'ble Judges : Dr. B.R. Sarangi, J;M.S.Raman, J

Bench : Division Bench

Advocate : Sujata Jena, Deepali Mahapatra, Jyostnamayee Sahoo, P.K. Parhi, P.P. Mohanty

Final Decision : Disposed Of

Judgement

1. This matter is taken up through hybrid mode.
2. Heard Ms. Sujata Jena on behalf of Ms. Deepali Mahapatra, learned counsel appearing for the Petitioner; Ms. Jyostnamayee Sahoo, learned Central Government Counsel along with Mr. P.K. Parhi, learned Deputy Solicitor General of India appearing for Opposite Party No.1 and Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties.
3. The Petitioner has filed this writ petition seeking to quash the decision of opposite party no.2 under Annexure-14 relating to the petitioner's organization for non-approval of the grant of "Swadhar Home" in the district of Ganjam.
4. Ms. Sujata Jena, learned counsel appearing for the petitioner contended that looking at the need of the establishment of "Swadhar Home" in the district of Ganjam, the petitioner submitted its project before opposite party no.4, who after examining the project, recommended the said project to opposite party no.2 on 14.03.2005 as it fulfilled all the criteria as stipulated in the aforesaid Scheme. After receipt of the recommendation from opposite party no.4, opposite party no.3, on 06.11.2008, recommended the petitioner's project to the "Project Sanctioning Committee" constituted under opposite party no.1. But the "Project

Sanctioning Committee” in its meeting held on 16.09.2010 did not approve the project of the petitioner on the ground that opposite party no.2 was not located at the given address. After rejection of the project, though the petitioner made a representations to opposite party no.1 vide Annexures-15 & 16 dated 30.11.2010 and 03.11.2011, but the same are still pending for consideration.

5. Ms. J. Sahoo, learned Central Government Counsel appearing for opposite party no.1 referring to paragraph-8 of the counter affidavit contended that the welfare of women is primarily the responsibility of the State Government. However, to supplement the efforts of State Government, Ministry of Women & Child Development Department is also sanctioning Swadhar Homes to provide immediate shelter to the women, who are in distress and in moral danger. At present 341 districts are having the facility of either Swadhar Home or Short Stay Home or both, while there are 641 districts in the country. Therefore, now a conscious decision has been taken by the Ministry that the request for additional Swadhar Home will be considered after un-served districts are covered.

6. Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties contended that the representations under Annexures-15 & 16 of the petitioner are still pending before opposite party no.1 and the same may be directed to be considered within a stipulated time.

7. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court finds that the recommendation made by the State Government has been turned down by opposite party no.1 vide Annexure-14 dated 30.09.2010. Keeping in view the averments made in paragraph-8 of the counter affidavit, since there is need of sanctioning Swadhar Homes or Short Stay Home or both in the district of Ganjam, the petitioner has already made grievance vide Annexures-15 & 16 which are pending for consideration. But Ms. J. Sahoo, learned Central Government Counsel contended that opposite party no.1 has not received such representations. Since the representations of the petitioner under Annexure-15 & 16 form part of the writ petition, this Court directs that opposite party no.1 shall take into consideration of the same and pass appropriate order in accordance with law, because there is need of Swadhar Home or Short Stay Home or both, as the said solemn conscious decision has been taken by the “Project Sanctioning Committee”, within a period of three months from the date of production/communication of this order.

8. With the above observation and direction, the writ petition stands disposed of.

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