

(2023) 03 OHC CK 0032
In the Orissa High Court
Case No : Writ Petition (C) No. 6610 Of 2023

Madhab Chandra Nayak

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 03-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0032

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : Sujata Jena, T.Praharaj

Final Decision : Disposed Of

Judgement

Sashikanta Mishra, J

W.P.(C) No.6610/2023 and I.A.No.2910/2023

1. This matter is taken up through hybrid mode.
2. Although the matter is not on the Board of this Bench, on being mentioned, the matter is taken up from the list of Hon'ble Mr. Justice R.K.Pattanaik.
3. The Petitioner is aggrieved by the notice dated 21st February, 2023 issued by the Tahasildar, Kalampur (Opposite Party No.4) asking him to vacate the house constructed by him over the case land. It is the case of the Petitioner that he was selected under the 'Mo Kudia' Scheme of the Government and granted a sum of Rs.45,000/- in 2010 for construction of house and accordingly, he has constructed a house and is residing therein.
2. Mr.T. Praharaj, learned Standing Counsel, submits that notices having been issued under the provision of OPLE Act, the Petitioner can invoke the remedy of appeal provided under the said Act and therefore, the Writ Petition is not maintainable.
3. Considering the fact that there is prima facie proof of the Petitioner having

been selected under the 'Mo Kudia' Scheme and granted financial assistance to construct the house in question, it is deemed proper to examine the records of the case before taking a final decision. Learned Standing Counsel is therefore, directed to take instructions in the matter.

4. List this matter on 9th March, 2023. Till such time, the operation of notice under Annexure-3 shall remain stayed.

5. Urgent certified copy of this order be given on proper application in course of the day.

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