
(2015) 02 OHC CK 0043

In the Orissa High Court

Case No : Writ Petition (C) Nos. 13559, 14235, 14236, 14237, 14463, 14464, 14853, 14854, 15027, 15028, 15083, 15088, 15383, 15762, 15763, 15764, 15765, 15778, 16848, 16850, 17475, 17632, 18194, 18195, 18196, 18380, 18381, 18382, 18383, 18416, 18807, 18856, 19202, 1

Nilakantha Raiguru and Others

APPELLANT

Vs

Puri-Konark Development Authority and Others

RESPONDENT

Date of Decision : 24-02-2015

Acts Referred:

Citation : (2015) 02 OHC CK 0043

Hon'ble Judges : Biswanath Rath, J.

Bench : Single Bench

Advocate : Debi Pr. Dhal, S. Mohapatra and S.K. Dash, for the Appellant; Surya Prasad Mishra, Advocate General, S.K. Padhi, Senior Advocate, A. Das, B. Panigrahi and S.S. Mohanty, Advocates for the Respondent

Final Decision : Partly Allowed

Judgement

Biswanath Rath, J.—These writ petition are batch of cases where the petitioner in the respective cases approached this Court only at the stage of notice for appearance , hearing of the case as well as measurement of the sites.

2. In the judgment dated 20.2.2015 delivered in O.J.C. No. 2816 of 2000 vide paragraphs- 25, 26, 27, 28, 29, 30, 31 and 32, this Court has already held that Puri-Konark Development Authority is an instrumentality of the Environment Protection Act, 1986 as well a functionary of Costal Regulation Zone-II, it has to act remaining within the provisions of the Costal Regulation Zone notification and the law applicable therein such as Orissa Municipal Act, 1950 and the Orissa Municipal Rules, 1953 contained thereunder and any further notification in the said regard by competent authority. Judgement passed in O.J.C. No. 2816 of 2000 shall form part of this judgment.

3. Since the petitioners in the writ petitions have approached this Court at the stage of notice only, this Court is not inclined to interfere in the matters at this

stage and consequently this Court remits these matters back to the Puri-Konark Development Authority with a direction to deal with the case of each of the petitioner's in all these writ petitions complying the provisions contained in the Costal Regulation Zone notification, Orissa Municipal Act, 1950 and Orissa Municipal Rules, 1953 and any notifications brought in the said regard issued by competent authority after providing reasonable opportunity of hearing to the petitioner in each of the writ petitions.

4. These writ petitions succeed to the above extent. However, there shall be no order as to cost.