

(2010) 10 OHC CK 0007

In the Orissa High Court

Case No : Writ Petition (C) No. 16352 of 2010

Purna Chandra Sahani

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 28-10-2010

Acts Referred:

Citation : (2011) 111 CLT 321 : (2011) 1 OLR 69

Hon'ble Judges : V. Gopala Gowda, C.J;B.N. Mahapatra, J

Bench : Division Bench

Judgement

1. Heard learned Counsel for the Petitioner.
2. The Petitioner in this writ petition is seeking for issuance of a writ of mandamus directing the authorities to take action against the opposite parties for their illegal and inhuman activities to save the misappropriation of national property and to enquire into the construction of Rajiv Gandhi Sewa Kendra by opposite party No. 4.
3. The grievance of the Petitioner in this case is that opposite party No. 4 is unauthorizedly constructing the Rajiv Gandhi Sewa Kendra under Bandhadiha Gram Panchayat without the knowledge of the villagers on the Gochar land and the work is not being properly done as per the estimation with mala fide intention to make profit fraudulently by using low quality laterite stone, low grade sand and bricks and the proportionate quantity of cement is very low and the construction is purely defective.
4. The prayer cannot be granted by this Court for the reason that Rajiv Gandhi Sewa Kendra is for a public purpose. If the construction of the building has been done on the Gochar land which is undisputedly. Government land, under the O.G.L.S. Act, the Collector has got every power to divest the purpose of the land from Gochar to any other purpose even after the construction. It is not stated in the petition as to whether the competent authority, the Collector has exercised such power or not.

5. In so far as the allegation of use of sub-standard construction material is concerned, this Court cannot conduct an enquiry in this regard. It is open for the Petitioner to give a petition to the Collector or the competent authority to enquire into this aspect of the matter.

6. With the aforesaid liberty, this writ petition is disposed of.