

(2022) 06 OHC CK 0008

In the Orissa High Court

Case No : Writ Petition (C) No.13976 Of 2022 (PIL)

Sadhuram Sahoo

APPELLANT

Vs

IDBI Bank Ltd., Bhubaneswar And Others

RESPONDENT

Date of Decision : 02-06-2022

Acts Referred:

Citation : (2022) 06 OHC CK 0008

Hon'ble Judges : S.K. Sahoo, J;Biraja Prasanna Satapathy, J

Bench : Division Bench

Advocate : Samir Kumar Mishra, Amiya Kumar Mishra

Final Decision : Disposed Of

Judgement

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mrs. Sujata Jena, learned counsel for the petitioner and Mr. Debakanta Mohanty, learned Additional Government Advocate for the State of Odisha.

In this writ petition, which is in the nature of Public Interest Litigation, the petitioner- Old Student Association (ALUMNI) Shailabala Women's Autonomous College, Cuttack represented through its General Secretary has prayed for a direction to nullify the decision taken by the State Government to occupy a portion of the land belonging to Sailabala Women's Autonomous College (hereafter 'the College') for expansion of Chandi Mandir, Cuttack which according to the petitioner is against the Constitutional mandate.

It is submitted by Mrs. Jena, learned counsel for the petitioner that the College is a Century old one and premier educational institution of its kind in the State of Odisha for women education. The College has been awarded 'A' grade by NAAC (National Assessment and Accreditation Council) of the University Grants Commission and at present the College has about 2500 students on its rolls and imparts education at the higher secondary, undergraduate and postgraduate

levels attracting students from different parts of Odisha and neighbouring States. She further submitted that the decision taken by the State Government in utilising a part of the College land for Chandi Mandir beautification project is against the interest of the institution and its students.

No project map of Chandi Mandir beautification project has been annexed to the writ petition to show that there is any proposal by the Government to occupy any part of the land of the College for such project. Such averments seems to have been based on media reports.

Mr. Mohanty, learned counsel for the State seeks some time to obtain instruction in the matter and file a detailed affidavit by the opposite party no.4 Collector, Cuttack annexing the project map giving copy to the learned counsel for the petitioner.

Issue notice on the question of admission indicating therein that the matter shall be disposed of finally at the stage of admission.

Learned counsel for the State accepts notice on behalf of opposite parties nos.1, 2 and 4. Three extra copies of the writ petition be served on the learned counsel for the State by 03.06.2022. No notice be issued to the opposite party no.3.

Issue notice to the opposite party no.5 by speed post with proof of delivery, requisites for which shall be filed by 07.06.2022. The notice be made returnable within two weeks.

List this matter in the week commencing from 27.06.2022.

A detail affidavit shall be filed by the opposite party no.4- Collector, Cuttack as to whether in order to materialize Chandi Mandir beautification project, any land of the College is likely to be utilized and if so, what provision has been made for giving suitable land/facility to the College in lieu of such land likely to be utilized for the project keeping in view the interest of the College and the students.

A free copy of this order be handed over to the learned counsel for the State.

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