
(2023) 04 OHC CK 0292
In the Orissa High Court
Case No : Writ Petition (C) No.8654 Of 2023

Saroj Ranjan Bharati

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 26-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0292

Hon'ble Judges : Biswanath Rath, J

Bench : Single Bench

Advocate : D.Mahapatra, S.Ghosh, D.Mohapatra

Final Decision : Disposed Of

Judgement

Biswanath Rath, J

1. Heard learned counsel for the Parties.
2. This Writ Petition involves the following prayer:-

"It is therefore, prayed that this Hon'ble Court may graciously be pleased to issue Rule NISI to the opposite parties and if the opposite parties fail to show cause or shown insufficient cause make the said rule absolute by directing the opposite parties, more particularly the opposite party no.5 to regularize the constructions existing over the Plot no.155/670 having area Ac.0.040 dec. (the suit plot) at an early date and may pass any other appropriate order or orders or direction or directions for the ends of justice;

And for this act of kindness, the petitioner as in duty bound shall ever pray."

3. Even though the Writ Petition involves a prayer for regularization of the constructions existing over the Plot No.155/670, in course of submission taking this Court to the submission part in paragraph-9 of the brief, it has been brought to the notice of this Court that the inspection report dated 29.6.2020 finds place at Annexure-8 prepared by the Development Authority was drawn behind the

back of the Petitioner.

4. Learned counsel for the Petitioner thus claims let there be a fresh inspection on the spot but in the involvement of the Petitioner to arrive at lawful conclusion. The Development Authority has no objection in re-taking the on spot inspection in the presence of the Petitioner.

5. Keeping this in view this Court in disposal of the Writ Petition at this stage directs the Development Authority in undertaking for fresh exercise of inspection on the spot but in the involvement of the Petitioner again by intimating the Petitioner the date and time of inspection at least within seven days. Dependant on the outcome in the fresh inspection, there should be showing of result on the pending request of the Petitioner on regularization aspects. The entire exercise be completed at least within a period of two months from the date of communication of this order by the Petitioner. This Court records the undertaking of the Petitioner through counsel for cooperating in the fresh on spot inspection by the Development Authority on being intimated.

6. With this observation, the Writ Petition stands disposed of.

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