

(2023) 02 OHC CK 0117

In the Orissa High Court

Case No : Writ Petition (C) PIL No.4199 Of 2023

Satyanarayan Rao

APPELLANT

Vs

State Of Orissa & Others

RESPONDENT

Date of Decision : 16-02-2023

Acts Referred:

Citation : (2023) 02 OHC CK 0117

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Sukanta Kumar Dalai, Ishwar Mohanty

Final Decision : Disposed Of

Judgement

1. The allegation in the present petition is that a tourist facility which was being run by the Government of Odisha in Jharsuguda, has been handed over to a private entity (Opposite Party No.9) under an agreement in terms of which, Opposite Party No.1 was to operate and maintain the facility but in the garb of doing so has demolished the facility and erected a hotel in its place. The allegation is that this has been done illegally.

2. Mr. Ishwar Mohanty, learned Additional Standing Counsel for the State informs the Court that the hotel that has come up in place of the earlier facility is now operational and commenced its operations during the recently held World Cup hockey tournament in Odisha.

3. Mr. Dalai, learned counsel for the Petitioner points out that since the petition contains specific allegations against the incumbent-State Government Official, he has been impleaded in person as Opposite Party No.2. Mr. Dalai points out that since the Petitioner had to apply under the Right to Information Act (RTI Act) to obtain relevant information regarding the entire project, he was unable to file the writ petition earlier. A representation was made to the Collector, Jharsuguda with a copy to the Chief Secretary, Government of Odisha on 3rd January, 2023 but till date no reply has been received to the said representation. The Petitioner is

also not hopeful that the Collector will be able to examine the matter since it involves allegations against the Additional Secretary to Government of Odisha in the Tourism Department.

4. Without at this stage expressing any view in the matter, this Court directs notice to issue. Mr. Ishwar Mohanty, learned Additional Standing Counsel accepts notice for State-Opposite Parties Nos.1, 3, 4 and 5. Let extra copies of the writ petition be served on him.

5. Notice be issued to Opposite Party Nos.6 to 15 by Registered Post/Speed Post with A.D., returnable by the next date. Requisites be filed within a week. Tracking report be placed on record. The Court further permits the Petitioner to serve notice on the said Opposite Parties by 'Dasti'.

6. Counter affidavit be filed by the above Opposite Parties within four weeks from the date of service of notice with an advance copy to learned counsel for the Petitioner. Rejoinder affidavit thereto, if any, be filed before the next date.

7. List on 12th April, 2023.

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