

(2021) 07 OHC CK 0087

In the Orissa High Court

Case No : Writ Petition (Civil) No. 10533 Of 2021

Srikanta Ku. Mishra

APPELLANT

Vs

State Of Odisha & Ors

RESPONDENT

Date of Decision : 09-07-2021

Acts Referred:

Citation : (2021) 07 OHC CK 0087

Hon'ble Judges : Biswajit Mohanty, J

Bench : Single Bench

Advocate : B.N. Samantaray, Dayananda Mohapatra

Final Decision : Disposed Of

Judgement

Biswajit Mohanty, J

This matter is taken up by video conferencing mode. Heard Mr. D. Patnaik, learned counsel for the petitioner and Mr. Manas Ranjan Pradhan,

learned Advocate on behalf of Mr. Dayananda Mohapatra, learned counsel representing the Cuttack Development Authority.

According to Mr. Patnaik, the petitioner is aggrieved by refusal of the authority in not issuing a third party transfer application Form in respect of Plot

No.13-1C/215 in Sector-13 of C.D.A., Bidanasi Project Area on the ground that he has not yet made any construction over the plot. In this context, he

submits that liberty may be granted to the petitioner to approach the authority afresh in the background of the order dated 16.12.2019 passed by this

Court in W.P.(C) No.12473 of 2019, wherein it has been laid down that while considering a case of transfer of Plot in Sector-13, the authorities should

not insist upon a condition that the allottee should have built a house over the said plot while applying for sale of the property.

Considering the submissions made and without expressing any opinion either way, this Court grants liberty to the petitioner to file a representation

before the Secretary, Cuttack Development Authority, Cuttack (opposite party no.3) within a period of two weeks and in the event such a motion is

made before opposite party no.3, he/she is directed to take a decision on the same in accordance with law and communicate the result of such

exercise to the petitioner.

With the aforesaid observation and direction, the writ petition stands disposed of.

Parties may utilize the soft copy of this order available in the High Court's Website or print out thereof at par with certified copy in the manner

prescribed vide Court's Notice No.4587 dated 25.03.2020 read with Notice No.4798 dated 15.04.2021 issued by the Registrar General of this

Court.