

IN THE HIGH COURT OF ORISSA AT CUTTACK  
W.P.(C) No.34411 OF 2022

**Smt. Sabita Dey**

....

**Petitioner(s)**  
Mr.R.Roy,Adv.

*-versus-*

**State of Odisha and others**

....

**Opposite Party(s)**  
Mr.S.Ghose,AGA  
Mr.D.Mohapatra,Adv.

**CORAM:**  
**JUSTICE BISWANATH RATH**

**ORDER**  
**04.01.2023**

**Order No.**

02.

1. Heard learned counsel for the Parties.
2. On the finality of the proceeding, Mr. Roy, learned counsel appearing for the Petitioner pressing the Writ Petition submits that the case of the Petitioner is squarely covered by a Judgment of this Court in disposal of W.P.(C) No. 12489 of 2022 on 12.10.2022, particularly keeping in view the observation in Paragraph-6 onwards therein. Mr. Mohapatra, learned counsel for the Development Authority referring to the list of third party transferees draws the attention of this Court that there is valid decision passed by the Competent Authority.
3. Considering the rival contentions of the parties and going through the impugned order, this Court finds, there has been no consideration of the observation of this Court, in disposal of W.P.(C) No. 12489 of 2022 while passing the impugned order. It is only in the circumstance, this Court interferes in the order at Annexure-1, sets aside the same and remits the matter back to the Secretary, Cuttack Development Authority-O.P.2 for reconsideration of the issue

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involved herein while also keeping in view the direction in W.P.(C) No. 12489 of 2022 by completing the entire exercise at least within a period of one and half months with communication of the outcome and further also with opportunity of hearing to the Petitioner.

4. The Writ Petition thus stands disposed of.

**(Biswanath Rath)**  
**Judge**

*utkalika*

