



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 3386 of 2026

Duryodhan Sahoo

....

Petitioner

Mr. R.K. Rout, Advocate

-versus-

1. Bhubaneswar Municipal Corporation (BMC)

....

Opposite Parties

***represented through its
Municipal Commissioner,
Bhubaneswar***

***2. Bhubaneswar Development Authority (BDA),
represented through its
Secretary, Bhubaneswar***

3. Ahalya Construction

4. Minakshi Mattagaj

5. Nirupama Panda

6. Ashisa Mohapatra

7. Mihir Bala Choudhry

8. Pankaj Kumar Mandal

9. Kalpana Ganguly

10. Prahallad Karan

11. Subhashree Mohanty

12. Sumanta Kumar Panda

13. Baisalini Dash

14. Ashish Kumar Panda

15. Ashish Pradhan

16. Nibedita Pradhan

17. Ranjita Pradhan

18. Arun Kumar Panigrahi

19. Deepak Kumar Nayak

20. A Srinivas Patra

21. Surya Narayan Panigrahy

22. Suchismita Samanatar

23. Nilakantha Mohanty

24. Jayshree Mohanty

25. Anuja Kumar Acharya

26. Rajalakshmi Satapathy



- 27. Samapika Dash**
- 28. Puppala Dev Venkat Ramchander**
- 29. Suprava Nanda**
- 30. Sarthak Kumar Rath**
- 31. Susanta Kumar Sethy**
- 32. Chinmayee Bihari**
- 33. Bibhu Prasad Sahoo**
- 34. Arnapurna Mishra**
- 35. Susil Kumar Mishra**
- 36. Subhasmita Mishra**
- 37. Ruchika Samanaray**
- 38. Nalinakanta Sahoo**
- 39. Tapaswini Behera**
- 40. Banashree Jena**
- 41. Abantibala Sahoo**
- 42. Saswati Mishra**
- 43. Sukanti Behera**
- 44. Bharati Manjari Das**
- 45. Hemanta Kumar Dutta**
- 46. Debasis Das**
- 47. Babuli Kumar Sahani**
- 48. Sasmita Tripathy**
- 49. Rakesh Samanta**
- 50. Amon Ratnakar Suryawanshi**
- 51. Mohani Sahoo**
- 52. Dibakar Sahoo**
- 53. Pravakar Sahoo**
- 54. Bhaskar Sahoo**
- 55. Subrat Kumar Sahoo**

**SI. No. -4 to 55 are residing
at "Ahalya Place" Mouza-
Gadakana, At: Vill-
Rangamatia,
PO-Mancheswar Railway
Colony,
PS- Mancheswar,
Bhubaneswar, Dist.-Khurda**

Mr. N. Panda, Advocate



CORAM: JUSTICE V. NARASINGH

ORDER
23.02.2026

Order No.

03. 1. Learned counsel Mr. N. Panda submits that he has instruction to appear on behalf of the Opposite Party No.1-Bhubaneswar Municipal Corporation (BMC), Bhubaneswar.
2. Heard learned counsel for the Petitioner and learned counsel for the Bhubaneswar Municipal Corporation.
3. The present writ petition has been filed relying on the judgment of the Apex Court in the case of **Rajendra Kumar Barjatya & Anr. v. U.P. Avas Evam Vikas Parishad & ors., 2024 SCC OnLine SC 3767**. For convenience of reference, the relief sought for is extracted hereunder:-

"The petitioner therefore prays that this Hon'ble Court may be graciously pleased to admit the writ petition issue a Rule NISI calling upon the Opp. Parties to why a writ of mandamus or any other appropriate writ/order/direction directing the Opposite Party No.-1 to cancel and withdraw the holding numbers illegally granted to flats/occupants in the apartment known as "Ahalya Palace" (constructed over Plot Nos.822-827, Khata Nos.4346, 3088 & 1739, Mouza-Gadakana) Opp. Party No.-3 and why a writ/order directing Opposite Parties, particularly Opposite Party No.-1 (BMC), to immediately discontinue and withdraw all municipal



services and civic amenities (including but not limited to garbage collection, water supply, sewerage, collection of property tax, trade licenses etc.) being provided to the said illegally constructed apartments occupied by Opp. Party No.-13 to 55 and a direction may be given to the Opposite Party Nos.-1 & 2 to take appropriate action against the promoter (Opposite Party No.3) for constructing the apartment without lawful access road and without submission of Completion Certificate and for any misrepresentation of fact to the statutory authorities to direct the Opposite Parties to ensure that the Petitioner's property (Plot Nos.1221-1224, Khata No.4689) is not shown, used or treated as a road or otherwise interfered with, and that the Status Quo in respect of the Petitioner's land as ordered by the competent Court/Authority is maintained."

4. It is submitted by the learned counsel for the Petitioner that in the light of the judgment of the Apex Court, there is glaring violations and since the judgment is binding in terms of Article 141 and Article 142 of the Constitution of India enjoins upon the Courts to implement the orders of the Apex Court, any violation of such order has to be viewed seriously.

Reliance is also placed on the order passed by the Odisha Real Estate Appellate Tribunal At Bhubaneswar dated 30.01.2026 in OREAT Appeal



No.40 of 2023 which according to the learned counsel for the Petitioner had attained finality.

5. Learned counsel Mr. Panda on behalf of the Opposite Party No.1 submits that there are inter se dispute between the Petitioner and Opposite Party No.3, in respect of which Civil Suit No.1859 of 2017 is pending.

6. Referring to the litigation inter se between the parties, it is urged by the learned counsel for the Opposite Party No.1 that inter se dispute between the Petitioner and Opposite Party No.3 is sought to be addressed through the aegis of this Court in the garb of seeking implementation of the order of the Apex Court.

7. Be that as it may, since ventilating his grievance the Petitioner has preferred a representation dated 12.11.2025 at Annexure-11 which is stated to be pending, this Court is of the considered view that interest of justice would be subserved if the Opposite Party No.1- Commissioner, Bhubaneswar Municipal Corporation (BMC) is called upon to take a decision regarding the grievance of the Petitioner within a period of six weeks from the date of submission of the copy of the order of this Court along with the copy of the writ petition.



8. It is needless to mention here that this Court has not expressed any view regarding the veracity of the claim in the representation / W.P.(C) nor regarding the applicability of the judgment of the Apex Court in the factual matrix of the case at hand.

9. Before passing any order, the Opposite Party No.1-Commisioner, Bhubaneswar Municipal Corporation (BMC) shall do well to give an opportunity of hearing to the Petitioner and to all the affected parties who are on record in the case at hand. Decision so taken shall be communicated to the parties.

10. Accordingly, the writ petition stands disposed of.

Ayesha

**(V. Narasingh)
Judge**