

**IN THE SUPREME COURT OF INDIA**  
(CIVIL ORIGINAL WRIT JURISDICTION)

WRIT PETITION (CIVIL) NO. 1096 OF 2013

**IN THE MATTER OF:**

CENTRE FOR PUBLIC INTEREST LITIGATION  
& ORS.

PETITIONERS

VERSUS

STATE OF ODISHA & ORS.

RESPONDENTS

**(PAPER-BOOK)**

FOR INDEX KINDLY SEE INSIDE)

WITH  
I.A. NO.      OF 2013  
(APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION)

COUNSEL FOR THE PETITIONERS: **PRASHANT BHUSHAN**

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**LISTING PROFORMA  
IN THE SUPREME COURT OF INDIA**

**A**

1. Nature of the Matter **Civil Matter**
2. a) Name(s) of Petitioners **Centre for PIL & Ors.**
3. a) Name(s) of Responden **State of Odisha & Ors.**
4. Number of Case **W. P. (C) No. \_\_\_\_ of 2013**
5. a) Advocate(s) for the Petitioner(s) **Mr. PrashantBhushan**  
b) e-mail  
ID.....  
**prashantbhush@gmail.com**
6. a) Advocate(s) for the Respondent(s) **- NA -**
7. Section dealing with the matter
8. Date of impugned order/Judgement **-N.A.-**
- 8A. Name of Hon'ble Mr. Judges
- 8B. In Land Acquisition Matters: -  
i) Notification/Govt. Order No. (u/s 4,6) Dated ..... issued by Centre/State of  
**-NA-**  
ii) Exact purpose of acquisition & Village involved **- NA -**
- 8C. In Civil Matters: -  
i) Suit No., Name of Lower Court **- NA -**  
Date of Judgement **- NA -**
- 8D. In Writ Petitions: -  
"Catchword" of other similar matters **- NA -**
- 8E. In case of Motor Vehicle Accident Matters:  
Vehicle No. **- NA -**
- 8F. In Service Matters **- NA -**  
(i) Relevant Service rule, if any **- NA -**  
(ii) G.O./Circular/Notification, if applicable or in question **- NA -**
- 8G. In case it is a Tax matter: **- NA -**  
I.D. Reference/Award No., if applicable **- NA -**
9. Nature of urgency **- NA -**  
In case it is a Tax Matter: **- NA -**  
a) Tax amount involved in the matter **- NA -**  
b) Whether a reference/statement **- NA -**
10. **- NA -**

of the case was called for or rejected  
c) Whether similar tax matters of same parties earlier (may be for earlier/ other Assessment Year)?

- NA -

d) Exemption Notification/Circular No.

- NA -

11. Valuation of the matter

- NA -

12. Classification of the matter

- NA -

(Please fill up the number & name of relevant category with sub category as per the list circulated.)  
No. of Subject Category with full name  
No. of sub-category with full name

08(0812)

Other PIL Matter

13. Title of the Act involved (Centre/ State)

Odisha Dev. Authority Act, 1982

14. a) Sub-Classification (indicate Section/Article of the statute)

-N.A. -

b) Sub-section involved

c) Title of the Rules involved (Centre/State)

d) Su-classification (indicate Rule/Sub-rule of the statute)

-N.A. -

15. Point of law and question of law raised in the case:

-N.A.-

16. Whether matters is not to be listed before any Hon'ble Judge?  
Mention the name of the Hon'ble Judge

- NA -

17. Particulars of identical/similar cases, if any

- NA -

a) Pending Cases

-NA-

b) Decided Cases with Citation

17A Was SLP/Appeal/Writ filed against same impugned judgment/Order earlier? If yes, particulars

-NA-

18. Whether the Petition is against interlocutory/ final order /decree in the case:

-N.A.-

19. If it is a fresh matter, please state the name of the High Court and the Coram in the impugned judgement/Order

-N.A.-

20. If the matter was already listed in this Court:

a) When was it listed?

- NA -

b) What was the Coram?

- NA -

c) What was the direction of the Court?

- NA -

21. Whether a date has already been fixed either by Court or on being mentioned, for the hearing of the matter? If so, please indicate the date fixed - NA -
22. If there is a Caveator? If so, whether a notice has been issued to him? - NA -
23. Whether data entered in the Computer? - NA -
24. If it is Criminal matter, please state:
- a) Whether accused has surrendered - NA -
- b) Nature of offence, i.e. convicted under Section with Act - NA -
- c) Sentence awarded - NA -
- d) Sentence already undergone by the accused - NA -
- 24.e (i) FIR/RC etc. - NA -  
)
- Date of Registration of FIR etc. - NA -
- Name & place of the Police Station - NA -
- (ii) Name & place of Trial Court - NA -
- Case No. in Trial Court and Date of Judgement - NA -
- (iii) Name and place of 1<sup>st</sup> Appellate Court - NA -
- Case No. in 1<sup>st</sup> Appellate Court & date of Judgement - NA -

(PRASHANT BHUSHAN)  
COUNSEL FOR THE PETITIONERS

NEW DELHI  
DATED: 11.12.2013



### SYNOPSIS

The present writ petition is filed in public interest challenging the arbitrary and discriminatory distribution of state largesse by way of allotment of plots of land at concessional rates by State governments of Odisha and Gujarat. The plots of land have been allotted to high ranking public servants, Members of Parliament and State Legislatures, Judges of High Courts and Subordinate Courts either through discretionary quota, without following any statutory regulation / guidelines, or through questionable policy decisions. The Petitioners submit that in either case such allotments are in violation of public trust and Article 14 and 21 of the Constitution. The Petitioners are constrained to seek interference of this Hon'ble Court as even Hon'ble Judges of High Courts have been co-opted as beneficiaries in such colourable exercise of executive power.

The Petitioners seek appropriate writ/ directions, inter-alia, for cancellation of plots of land allotted through discretionary quota by State of Odisha, Bhubaneswar Development Authority (BDA) and Cuttack Development Authority; cancellation of plots of land allotted by Government of Gujarat pursuant to resolution dated 06.11.2008 for allotment of plots of land at concessional rates; and for investigation of abuse of official position by high rank public servants in Odisha.

In Odisha, the Government, BDA and CDA have allotted plots of land in the city of Bhubaneswar and Cuttack through discretionary quota of Minister of Housing & Urban Development

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Department and/ or Chairman of these Development Authorities. Information received through RTI reveal that during 1991 to 2011 several IAS/ IPS, MLAs/ MPs, Ministers including Judges of High Court of Odisha and their close relatives were allotted land pursuant to their requests for allotment of plots of land under the discretionary quota. No public notice or advertisement was ever published by authorities enumerating plots available under the discretionary quota and guidelines or eligibility criteria for allotment of plots of land. There was no provision for the discretionary quota under relevant laws or rules framed thereunder. It has come out through RTI replies of authorities in Odisha that various sitting and retired judges of High Court and subordinate judiciary, IAS/ IPS officers holding important posts and the then Lokayukta of State, requested the Minister for such allotment.

The performance audit of Comptroller and Accountant General of India (CAG) in its report on General and Social Sector (Government of Odisha)- 2012 confirms the abovesaid state of affairs in allotment of plots of land. The report states, "*there was no policy or procedure framed by the Government for allotment of Government land in Bhubaneswar.*" The report further says, "*In absence of any rules framed under the Government Grants Act, 1895 (GG Act) and lack of stated criteria to guide the discretion of the State, the process of allotment of land was prone to arbitrariness and lack of transparency.*" The CAG found that 154.473 acre of land out of 424.200 acre allotments were made on

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*suo motu* applications, which should have been put to auction, which was not done.

The Report further states, "As the department did not categorize the Government land available at different locations under Bhubaneswar Municipal Corporation (BMC), no land was reserved for the urban poor, thereby, depriving them of the opportunity to settle in the capital city though their presence was essential for the general interest of the public and business, trade or profession or any other legitimate reasons directly connected with their livelihood. In absence of earmarked area for urban poor, the possibilities of encroachment of Government land and development of slum in capital cannot be ruled out. The BMC identified (August 2009) 377 slums developed under BMC area with a population of 3.07 lakh."

Thus, on the one hand the Government of Odisha kept on allocating land arbitrarily to high and mighty and on the other, the urban poor, deprived of land reserve for them in development plan of cities, were left to live in slums or remain homeless. Ironically, the same beneficiaries of State largesse take encroachment removal actions against slum dwellers and homeless persons.

In Gujarat the facts are equally disturbing. The High Court of Gujarat initiated *suo motu* proceedings in the year 2000(SCA No. 13550/2000) against the arbitrary State policy of allotment of land in Gandhi Nagar to IAS/ IPS, MPs and MLAs. The High Court passed several interim orders whereby enquiry was constituted and the State Government was restrained from continuing with the

policy of land allotment. The High Court in its interim orders had come to prima facie conclusion that the constitutional validity of the allotment policy needed to be examined. State of Gujarat filed SLPs against the interim orders in 2001. This Hon'ble Court stayed the operation of interim orders and granted leave in the matter. In 2007 this Hon'ble Court while disposing the SLPs filed by the State of Gujarat, remanded the matter back to the High Court and requested expeditious disposal of the *suo motu* proceedings. Government of Gujarat soon thereafter in 2008 took a policy decision to allot plots of land to sitting judges of the Gujarat High Court and to the sitting judges of Supreme Court elevated from the High Court of Gujarat. Several allotments were made in 2009 to Hon'ble Judges pursuant to the policy decision of 2008. It is submitted that despite requests made by this Hon'ble Court in 2007 and again in 2012 [in another SLP(C) No. 896 of 2012 arising from different PIL challenging allotment of plots of land to MPs/ MLAs in Gujarat] for expeditious disposal of the *suo motu* proceeding, the High Court of Gujarat could not dispose of the *suo motu* case till date.

The Petitioners submit that facts stated herein above are just illustrative. Arbitrary and discriminatory allocation of government land to persons in authority and to their relatives is a common phenomenon in other States as well. Such non transparent and discriminatory alienation of a finite and scarce national resource in almost every State in favour of the members of the executive, the judiciary and the legislatures is a flagrant violation of public trust. Some of the governments also allot land to appease influential

media persons. Thus, all the four pillars of democracy are being compromised by bestowing State largesse in the form of plots of land in premium urban localities, putting in jeopardy the larger public good and the rule of law.

It is submitted that allotment of plots of land as State largesse to the class of public servants, legislatures and judges except under the terms and condition of their service, has no rational nexus with the object sought to be achieved through the classification. Therefore, the classification attracts the wrath of Article 14 of the Constitution. Moreover, such distribution of scarce natural resources does not subserve the common public good hence, the same is unreasonable and violative of public trust. It is submitted that such unconstitutional distribution of State largesse to all three organs of State creates an adverse public perception about the independence of judiciary and has adverse ramifications on the Rule of Law and separation of powers, which are components of the basic structure of our Constitution.

#### List of dates & events

#### **Odisha**

- 1982                      Orissa Development Authority Act, 1982 (Act 14 of 1982) was enacted to provide for the development of urban and rural areas in the State of Orissa according to plan, and for matters ancillary thereto.

1983 State Government framed the Orissa Development Authorities Rules, 1983.

01.09.1983 The Bhubaneswar Development Authority (BDA) and the Cuttack Development Authority (CDA) were established by the Government of Orissa in the year 1983 under the Orissa Development Authorities Act.

09.11.2011 The Petitioner No. 3 applied under RTI Act seeking copy of guidelines followed in allotment under Minister's Quota and eligibility required for allotment under D/Q.

24.11.2011 A PIL vide writ petition (c) No. 26393 of 2011 filed by an advocate practicing in Cuttack High Court seeking CBI inquiry of discretionary allotments of plots was dismissed by the High Court at preliminary stage on the ground of lack of bonafide on the part of the Petitioner of the PIL and also on the ground that the PIL was not filed in accordance with rule.

25.11.2011 BDA replied to the RTI application of Petitioner No. 3 stating that no such guidelines was available.

17.01.2012 A copy of office order dated 20.12.2007 of Orissa State Housing Board was supplied in response to RTI application of Petitioner No.3 dated

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17.01.2012. The office order stated that there was 10% Discretionary Quota of BDA.

13.02.2012 RTI reply of BDA stated that as per terms and condition of brochure, allotment under D/Q (Discretionary Quota) was being considered and there was no provision to publish press note/ advertisement for public awareness regarding allotment of D/Q of the Authority.

25.02.2012 While IAS and IPS officers were rampantly allotted plots under the discretionary quota of Minister, no allotment of land could be made to the next of kin of police personnel who died while discharging their duties in anti-naxalite operations. A letter dated 25.02.2012 of AIG Police (Provisioning), Odisha Police State Headquarter Cuttack states that the total death case of 108 Police Personnel had occurred from the year 2001 to 2012. The letter further states that provision of homestead land is a time consuming process and action is under process for provision of the same to the next of kin of the Martyrs as early as possible.

21.03.2012 RTI reply of Odisha State Housing Board in response of RTI application of Petitioner No. 3 dated 16.01.2012 stated that no press note/

advertisement was published for applicants of discretionary quota by Govt.

24.03.2012 In letter dated 24.03.2012 written to Petitioner No. 3 by Deputy Secretary to Government of Odisha, it was stated that there was no such provision like 'Discretionary Quota' in allotment of Govt. land to Jawans, ex- servicemen and defense personnel who are landless and to next of kin of the Police Personnel of the State Govt. who died while discharging their duties in anti-naxalite operations

30.03.2012 RTI reply of CDA dated 30.3.2012 wherein list of 38 persons (IAS, IPS, Judge/ Judicial officer) allotted plots by CDA in Bidanasi Project Area during 1990 to 2011 was provided to Petitioner No. 3. It was also stated therein that there was no guideline or eligibility norm for allotment of plots under D.Q. by the Chairman, CDA.

18.04.2012, 05.05.2012 RTI replies dated 18.04.2012 and 05.05.2012 stated that no press note/ advertisement was published for applicants of discretionary quota by Govt.

05.06.2012 RTI reply of BDA provided list of IAS, IPS, Judges/ Judicial Officer, MLA/ MP (23 plus 5 persons) who have been allotted plots from discretionary quota by BDA in Baramunda Housing Scheme, Kalinga Nagar Plotted



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Development Scheme (HIG category), Kalinga Vihar Housing Scheme and in Prachi Enclave Plotted Development Scheme.

2012 Through information received from RTI, it has come out that several influential persons such as IAS, IPS including Judges requested Cuttack Development Authority (CDA)/ Minister, Urban Development, Odisha on their letter head for allotment of plots of land under discretionary quota during 1999 to 2008. Most of these letters bear official noting for allotment.

10.07.2012 CDA in its RTI reply dated 10.07.2012 annexed request letters for allotment of plot of land by IAS and IPS officers.

02.08.2012 RTI reply of BDA annexed documents of allotment through request letters for allotment of plot of land under discretionary quota by several high profile IAS and IPS officers

2012 Information received by Petitioner No. 3 discloses that one Minister got a plot allotted for himself in 2009 in Pokharipur (Ananta Vihar) Housing Scheme by writing a request letter dated 04.08.2009 although his wife was allotted a similar plot in 2007 in Subudhipur (Kalinga Vihar) Housing Scheme. Apart from that letter dated 16.09.2000 by wife of a BJD Minister and letter

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dated 27.06.2000 by the Chief of News bureau of Indian Express requesting for DQ allotment was also obtained by the Petitioner No. 3.

25.05.2012 The Petitioner No. 3 made several representations to various authorities including State and Central Government regarding corruption and scam of allotment of plots through Discretionary quota. Department of Personnel and Training forwarded the grievance petition dated 25.05.2012 of the Petitioner No. 3 to CBI for appropriate action.

28.03.2012 The Petitioner No. 3 made a representation dated 28.03.2012 to the Chief Minister of Odisha requesting inquiry into the 'Discretionary quota' allotment of land to IAS, IPS, Judges as disclosed in RTI reply of CDA and BDA. It was stated in the representation that under the Minister's discretionary quota several plots were allotted without any guidelines between 1990-2011. The Petitioner requested for appropriate step to preserve independence of judiciary.

07.05.2012 The Petitioner No. 3 made representation dated 07.05.2012 to Chief Minister Odisha and to the Prime Minister complaining against the DQ allotment to S.P., Vigilance Judge, Lokayukta Judge etc.

25-27.06.2012 The Prime Minister's Office vide letters dated 25.06.2012 and 27.06.2012 forwarded the complaint of Petitioner No. 3 to the Chief Secretary, Govt. of Orissa.

27.09.2012 A complaint was made by Petitioner No. 3 dated 27.09.2012 to the Prime Minister of India and to the Vice President of India complaining against the DQ allotment to DGP of Odisha Police, whose name was proposed for the post of Director, CBI.

08.11.2012 The under Secretary Vice President's office forwarded the complaint of Petitioner No. 3 regarding discretionary allotment of plots, to the Chief Secretary, State of Odisha vide letter dated 08.11.2012.

14.11.2012 The Vice President's office forwarded the representation of Petitioner No. 3 for necessary action by confidential letter dated 14.11.2012.

2012 The Petitioner No. 3 made several other representations to the Vice President of India complaining against the discretionary allotment of plots of land to IAS, IPS and corruption involved in such allotment, all these representations were forwarded to the Chief Secretary, Government of Odisha vide letters

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dated 28.06.2012, 17.07.2012, 01.08.2012,  
13.08.2012 and 14.08.2012.

2012 The office of Governor, Odisha also forwarded a representation of Petitioner No. 3 to the Commissioner- cum Secretary to Government, Department of Housing & UD.

2012 The BDA has recently amended its Procedure for allotment of Assets in 2012. Chapter 8 of the Procedure book states, “ *Allotment under discretionary quota of the Authority has been abolished vide Government’s Housing and UD department letter dated 20.12.2011. Henceforth, there will be no provision for allotment of assets under discretionary quota of assets.* ”

21.08.2013 The proceedings of the Allotment Committee Meeting held on 09.10.2006 by CDA shows that price of allotted plots were fixed in arbitrary manner and the same were much below the market value of land. RTI reply of CDA dated 21.08.2013 enclosed list of 35 IAS, IPS, Judges allotted land under discretionary quota during 1990-2011 and proceedings of allotment committee of CDA meeting held on 09.10.2006.

2013 **CAG report -** Report of Comptroller and Accountant General on General and Social Sector- Vol-2 (Report No. 4 of 2013- Government

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of Odisha- for the year ending 31<sup>st</sup> March2012)  
confirms the arbitrariness and discrimination in  
land allotment by Government of Odisha.

15.10.2013 In a recent RTI reply dated 15.10.2013 provided  
to the Petitioner No. 3, the CDA the CDA has  
enclosed copies of request letters affidavit and  
application form of some influential persons.

### GUJARAT

2000 Arbitrary allotment of plots of land to MPs, MLAs  
and IAS, IPS officers at Gandhinagar was taken  
up by the High Court of Gujarat in a *Suo Motu*  
proceedings (SCA No. 13550/2000). The High  
Court passed interim orders dated 03.04.2001,  
11.04.2001 and 26.04.2001 restraining the  
Government of Gujarat from further allotment of  
plots at Gandhinagar to Government servants  
and MLAs/ MPs. The High Court through these  
interim orders stated that the policy for allotment  
of land to IAS/ IPS and MP/ MLA needs to be  
examined on the yardstick of constitutional  
mandate.

06.12.2007 The State of Gujarat filed SLP No. 8726-  
8728/2001 challenging the interim orders of stay  
of allotment of plots of lands passed in the *suo*  
*motu* case. This Hon'ble Court stayed the interim  
orders passed by the High Court and granted

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leave in the SLPs. The matter was finally disposed of by order dated 06.12.2007 passed by this Hon'ble Court in Civil appeal No. 7915-7917 of 2001 arising out of the said SLPs filed by State of Gujarat. This Court remanded the matter back to the High Court of Gujarat for final disposal and requested expeditious adjudication of *Suo Motu* case by order dated 06.12.2007.

06.11.2007 That the Government of Gujarat passed a Resolution dated 06.11.2008 for allotment of plots of land at concessional rates to the serving Chief Justice/ Judges of the High Court of Gujarat and to Hon'ble Judges of the Supreme Court of India who had rendered services in the High Court of Gujarat on the date of resolution. The resolution stated that the demand was made by sitting Judges of the High Court and by sitting Gujarat High Court Judges elevated to the Supreme Court, for allotment of land in Ahmedabad.

11.09.2009 Pursuant to the resolution dated 06.11.2008 the Government of Gujarat by order dated 11.09.2009 ordered to allot 25,538 sq. mtrs of land at same place to the sitting Judges of High Court and to the sitting judges of Supreme Court elevated from the High Court of Gujarat, as per the condition of the resolution dated 06.11.2008.

06.01.2010 The District Collector of Ahmedabad by order dated 06.01.2010 ordered allotment of plot of lands to 23 individual judges. The order states that the land was resolved to be allotted as per the Government resolution dated 06/11/08 and as per the meetings of the Judges held on 26/08/09 and 27/08/09 with a view that the entire land should be allotted at the same place.

2010 Another PIL (Writ Petition No. 5 of 2010) was filed in the High Court of Gujarat, wherein allotment of land to MPs and MLAs were challenged. The High Court summarily dismissed the PIL on the ground that there was no public interest involved in the matter. The Petitioner of the said PIL challenged the order of dismissal in this Hon'ble Court by way of SLP (c) No. 896 of 2012, which is pending adjudication in this Hon'ble Court. The Petitioner of the said SLP pointed it out to this Hon'ble Court that the *suo motu* case is still pending in the High Court and no effective order has been passed since 08.04.2008. This Hon'ble Court on 02.11.2012 while hearing the SLP (c) No. 896 of 2012 was pleased to pass following order:

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*“Having heard learned counsel for the parties at some length, we feel that it would be proper and expedient if the High Court is requested to dispose of the Special Civil Application No. 13550 of 2000 expeditiously.”*

2013                    The SCA 13550 of 2000 (*Suo Motu* case) is still pending in the High Court. Four Hon'ble Judges of the High Court have recused themselves from hearing the SCA. The Petitioners herein are challenging allotment of plots of land to judges, pursuant to Government of Gujarat resolution dated 06.11.2008, which is not under challenge either in SLP(C) No. 896 of 2012 or in *Suo Motu* case SCA No 13550 of 2000 pending in the High Court of Gujarat.

**11.12.2013**

Hence, the present Public Interest Litigation,





3. CUTTACK DEVELOPMENT AUTHORITY  
THROUGH ITS CHAIRMAN  
CUTTACK, ODISHA ... RESPONDENT NO. 3

4. STATE OF GUJARAT  
THROUGH ITS CHIEF SECRETARY  
NEW SACHIVALAYA COMPLEX  
GANDHI NAGAR- 382010 ... RESPONDENT NO. 4

5. CENTRAL BUREAU OF INVESTIGATION  
THROUGH ITS DIRECTOR  
CGO COMPLEX, LODHI ROAD  
NEW DELHI-110003 ... RESPONDENT NO. 5

6. UNION OF INDIA  
THROUGH ITS CABINET SECRETARY  
CABINET SECRETARIAT, GOVERNMENT OF INDIA  
RASHTRAPATI BHAWAN,  
NEW DELHI - 110 004 ... RESPONDENT NO. 6

A WRIT PETITION IN PUBLIC INTEREST UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA SEEKING CANCELLATION OF THE ENTIRE ALLOTMENT OF PLOTS OF LAND BY BHUBNESWAR DEVELOPMENT AUTHORITY AND CUTTACK DEVELOPMENT AUTHORITY TO GOVERNMENT OFFICIALS, M.P.S, M.L.A.S, JUDGES AND OTHERS THROUGH DISCRETIONARY QUOTA SINCE 1991 AND SEEKING A THOROUGH COURT MONITORED CBI INVESTIGATION OF ABUSE OF OFFICIAL POSITION BY CONCERNED OFFICIALS AND MINISTER(S) IN ODISHA STATE IN ALLOTMENT OF LAND THROUGH DISCRETIONARY QUOTA

AND

SEEKING CANCELLATION OF ALLOTMENT OF PLOTS OF LAND TO JUDGES OF HIGH COURT OF GUJARAT BY STATE OF GUJARAT PURSUANT TO POLICY DECISION DATED 06.11.2008 WHICH IS IN VIOLATION OF ARTICLE 14 OF THE CONSTITUTION AND FOR THE ENFORCEMENT OF THE RULE OF LAW AND THE RIGHTS GUARANTEED UNDER ARTICLE 14 AND 21 OF THE CONSTITUTION OF INDIA

To,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION  
JUDGES OF THE HON'BLE SUPREME COURT OF INDIA  
The Humble Petition of the  
Petitioners above-named

MOST RESPECTFULLY SHOWETH: -

1. The petitioners have filed the instant writ petition in public interest challenging the arbitrary and discriminatory distribution of state largesse by way of allotment of plots of land at concessional rates by State governments of Odisha and Gujarat. The plots of land have been allotted to high ranking public servants, Members of Parliament and State Legislatures, Judges of High Courts and Subordinate Courts either through discretionary quota, without following any statutory regulation / guidelines, or through questionable policy decisions. The Petitioners submit that in either case such allotments are in violation of public trust and Article 14 and 21 of the Constitution.

The Petitioners are constrained to seek interference of this Hon'ble Court as even Hon'ble Judges of High Courts have been co-opted as beneficiaries in such colourable exercise of executive power. The Petitioners submit that such unconstitutional distribution of State largesse to all three organs of State has adverse ramifications on the Rule of Law, independence of judiciary and separation of powers, which are components of the basic structure of our Constitution.

1 A That the Petitioner No. 3 has made several representations against allotment of plots of land through discretionary quota in Odisha. The representation of Petitioner No. 3 and related documents are annexed herewith as Annexure P-21 (Colly) to P- 29 (Colly). However, no concrete action has been taken on the representations. No representation

has been made by Petitioners regarding allotment of plots of land to Hon'ble Judges in Gujarat.

## 2. THE PETITIONERS

- a) That the petitioner No. 1 is a registered society formed for the purpose of taking up causes of grave public interest and conducting public interest litigation in an organized manner. Its founder President was the late Shri V.M. Tarkunde and founder members consisted of several senior advocates including Shri Fali S. Nariman, Shri Shanti Bhushan, Shri Anil Divan, Shri Rajinder Sachar, Shri Colin Gonsalves among others. Ms. Kamini Jaiswal is the General Secretary of the petitioner and is authorized to institute petitions on behalf of the petitioner. The requisite certificate and authority letter is filed with the Vakalatnama. The petitioner No. 1 has filed several notable PILs in the past in the Hon'ble Supreme Court and in the High Court of Delhi.
- b) Petitioner No. 2 is a registered society (No. S/11017). It was founded in 1980 by late Shri H. D. Shourie for the express purpose of ventilating the common problems of the people and securing their resolution. It has brought before this Hon'ble Court various Constitutional and other important issues and has established its reputation as a *bona fide* public interest organization fighting for an accountable, transparent and corruption-free system. Mr. Kamal Kant Jaswal, Director of Common Cause and a former Secretary to the Government of India, is authorized to file this PIL. The

requisite Certificate & Authority Letter are filed along with the vakalatnama.

- c) The Petitioner No. 3 is a public spirited citizen of India residing in Cuttack, Odisha. She is a housewife and an RTI activist. She has filed several PILs in Orissa High Court, Cuttack on issues of public importance. Since 2011-12, she has obtained crucial information relating to the subject matter of the present PIL through RTI applications. She has made several representations in relation to the allocation of plots of land through discretionary quota by the Bhubaneswar Development Authority and the Cuttack Development Authority (Respondents No. 2 and 3 herein).

#### THE CASE IN BRIEF

#### ODISHA

3. The Orissa Development Authority Act, 1982 (Act 14 of 1982) was enacted to provide for the development of urban and rural areas in the State of Orissa according to plan, and for matters ancillary thereto. It came into force in different areas of the State of Orissa by notification of the State Government. The Act, under section 3(1), empowers the State Government to declare the area under notification as Development Area for proper development of such areas. Under Section 3(3) of the Act the State Government is empowered to constitute a body corporate by the name of the development area. According to Section 5 of the Act, the Chairman, Vice Chairman and members of the Development Authority are appointed by the

State Government and hold office during the pleasure of the State Government. Section 7 of the Act provides that the object of the Authority shall be to promote and secure the development of the Development Area according to plan and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of land and other property. The Authority undertakes development in any area under its jurisdiction by framing and executing development schemes. Under section 21(3) (k) of the Act, the Development Scheme provides for *undertaking housing schemes for different income groups, commercial areas, industrial estates and similar type of development*. Similarly, town planning schemes are prepared by the Authority. Under section 72 of the Act, the State Government may acquire any land for the development purpose under the provisions of Land Acquisition Act, 1894. The land so acquired is transferred to the Authority or Local Authority for the purpose for which the land has been acquired.

4. In exercise of the powers conferred by Section 123 of the Orissa Development Act, 1982 the State Government framed the Orissa Development Authorities Rules, 1983. Rule 52 provides for the disposal of property by Development Authority. Rule 53 states, "*Nothing in these rules shall be construed as enabling the Authority to dispose of land by way of gift, mortgage or charge*". Rule 54 provides for lease or disposal of property at a value not below the market value of the property. It reads, "*If any property belonging to the Authority is let out or disposed under Rules 52 and 53, it shall not be at a*

*value below the letting value or the market value of the property, as the case may be, such value being fixed by the Authority."*

A true copy of the relevant portion (Management and Disposal of Lands and Properties) of Orissa Development Authorities Rules, 1983 is annexed herewith as **Annexure P/1** (Pages 39-41)

5. The Bhubaneswar Development Authority (hereinafter referred to as BDA) and the Cuttack Development Authority (hereinafter referred to as CDA) were established by the Government of Orissa in the year 1983 under the Orissa Development Authorities Act, 1982, with effect from 01.09.1983.

6. Despite there being no legal provision either under the Orissa Development Authority Act, 1982 or under the Rules of 1983 made thereunder, it appears from the various RTI replies supplied to Petitioner No. 3 that the BDA and CDA had been allotting plots of land under the discretionary quota of the Chairman of BDA and CDA until 2011. The Chairman of these Development Authorities had been the Minister of Urban Development, Government of Odisha. The RTI replies also reveal that no public notice or advertisement regarding allotment under the Discretionary quota (D/Q) of the BDA and CDA was ever issued. Moreover, there was no procedure or guidelines for allocation of plots under the D/Q (Discretionary Quota).

True copies of the RTI application of Petitioner No. 3 dated 09.11.2011 seeking a copy of the guidelines followed in allotments under the Minister's Quota and the eligibility criteria

for allotment under D/Q, and the reply of BDA dated 25.11.2011 stating that no such guidelines were available, are annexed herewith as **Annexure P/2 (Colly) (Pages 42-44)**.

The Orissa State Housing Board office order dated 20.12.2007 stated that the Government had approved enhancement of discretionary quota of Chairman, Orissa State Housing Board from 5% to 10%, which was at par with Chairman, BDA. This information was supplied to Petitioner No.3 in response to her RTI application dated 17.01.2012. A copy of Orissa State Housing Board office order dated 20.12.2007 is annexed herewith as **Annexure P/3(Pages 45-46)**.

A true copy of RTI reply of BDA dated 13.02.2012, wherein it has been stated that allotment under D/Q was being considered as per terms and condition of brochure and there was no provision to publish any press note/advertisement for public awareness regarding the allotment under D/Q of the Authority, is annexed herewith as **Annexure P/4 (Pages 47)**.

A true copy of RTI reply of CDA dated 30.3.2012, giving a list of 38 persons (including Judges, IAS and IPS officers) who were allotted plots in Bidanasi Project Area during 1990 to 2011 by CDA, is annexed herewith as **Annexure P5 (Pages 48-49)**.

The reply also states that there is no guideline or eligibility norm for allotment of plots under D.Q. of the Chairman, CDA.

True copies of RTI reply dated 21.03.2012 of Odisha State Housing Board in response to RTI application of Petitioner No. 3 dated 16.01.2012, RTI reply dated 18.04.2012 and Reply dated



05.05.2012 stating that no press note/ advertisement has been published for applicants under the discretionary quota by Govt., are annexed herewith as **Annexure P/6 (Colly)** (**Pages 50-56**).

True copy along with true typed copy of RTI reply of BDA dated 05.06.2012 wherein a list of IAS, IPS, Judges/ Judicial Officers, MLAs/ MPs (23 plus 5 persons) who were allotted plots in Baramunda Housing Scheme, Kalinga Nagar Plotted Development Scheme (HIG category), Kalinga Vihar Housing Scheme and in Prachi Enclave Plotted Development Scheme from the discretionary quota by BDA is annexed herewith as **Annexure P/7 (Pages 59-63)**.

7. The Petitioners submit that while IAS and IPS officers were readily allotted plots under the so called discretionary quota of the Minister, the Government found it difficult to allot land or provide houses to the next of kin of the police personnel who died while discharging their duties in anti-Naxalite operations. A letter dated 25.02.2012 of AIG Police (Provisioning), Odisha Police State Headquarter Cuttack, states that 108 Police Personnel had died in these operations from 2001 to 2012. The letter further states that the provision of homestead land was a time-consuming process and that action was under process for provision of the same to the next of kin of the martyrs as early as possible. A copy of the letter dated 25.02.2012 of AIG Police, Odisha Police Head Quarters is annexed herewith as **Annexure P/8 (Pages 64)**. A copy of the letter dated 24.03.2012 written to Petitioner No. 3 by Deputy Secretary to Government

of Odisha, wherein it is stated that there was no 'Discretionary Quota' for allotment of Govt. land to landless Jawans, Ex-Servicemen and Defense Personnel and to the next of kin of the State Police personnel killed in anti-naxalite operations, is annexed herewith as **Annexure P/9 (Pages 65-67)**.

8. Through information received under RTI, it has come to light that several high-ranking public servants, including IAS/IPS officers and Hon'ble Judges of the High Court of Orissa, had requested the CDA/Minister, Urban Development, Odisha, on their letter heads for allotment of plots of land under the discretionary quota. Most of these letters bear official notings for allotment.

True copies of request letters written to Chairman, CDA by high-ranking public servants, including Hon'ble Judges, are annexed herewith as **Annexure P/10 (Colly) (Pages 68-82)**

True copy of RTI reply of BDA dated 02.08.2012, annexing request letters of several IAS, IPS officials, which became the basis for allotment of plots, are annexed herewith as **Annexure P/11 (colly) (Pages 83-112)**.

9. Documents disclose that one of the Ministers got a plot allotted to himself in 2009 in Pokharipur (Ananta Vihar) Housing Scheme on his request dated 04.08.2009, although his wife had already been allotted a similar plot in 2007 in Subudhipur (Kalinga Vihar) Housing Scheme.

A copy of letter dated 24.08.2009 written by the then Minister is annexed herewith as **Annexure P/12(Pages 113)**.

10. The Petitioners submit that the above list of request letters for allotment of land written by Judges, IAS/ IPS officers, MLA, Ministers etc., is not exhaustive. Several other requests were made by high ranking public servants and politicians seeking allotment of plots under D/Q.

True copies of letter dated 16.09.2000 by wife of a BJD Minister and letter dated 27.06.2000 by Chief of News Bureau of Indian Expresss, are annexed as **Annexure P/13 (Colly) (Pages 114-116 )**.

True copies of request letters of allotment of 3 persons hailing from different areas and bearing the same date of 24.07.2000 are annexed herewith as **Annexure P/14 Colly (Pages 114-119 )**. These letters lead to the inference that middlemen, who were aware of the availability of vacant land, had drafted the request letters for all the three applicants

True copy of a request letter dated nil with file noting dated 31.01.08 submitted by a fresh law graduate, who was allotted land, is annexed herewith as **Annexure P/15 (Pages 120-121 )**.

11. The Petitioners further submit that in most of the request letters the applicants state that they are in the knowledge of allocation of land by BDA and CDA through discretionary quota, although no advertisement/public notice was ever published to bring this fact to the notice of the general public. The Petitioners submit that such an exercise of

untrammelled discretion is fraught with the possibility of corruption. It is further submitted that Shri Kanak Vardhan Singh Deo, who had been Minister of Urban Development for most of the period under reference, is facing criminal cases under various sections of IPC such as GR case No. 758 of 2007, Balangir PS case No. 288 of 2007 u/s 147/148/323/294/506/341/149 of IPC. True copy of affidavit dated 28.03.2009 filed by Shri Kanak Vardhan Singh Deo along with his nomination paper before the Returning Officer for election to the Legislative Assembly of Orissa are annexed herewith as **Annexure P/16 (Pages 122-129)**.

12. The proceedings of the Allotment Committee Meeting held on 09.10.2006 by CDA indicate that prices of the allotted plots were fixed in an arbitrary manner and that they were much below the market value. A true copy of RTI reply of CDA dated 21.08.2013, enclosing a list of 35 IAS/IPS officers and Judges, who were allotted land under discretionary quota during 1990-2011 and the proceedings of allotment committee meeting held on 09.10.2006, is annexed herewith as **Annexure P/17 (Colly) (Pages 130-141)**.

13. The petitioners are given to understand that an advocate practising in the Cuttack High Court had filed Writ Petition (C) No. 26393 of 2011 in the Orissa High Court at Cuttack seeking a CBI enquiry as to i) whether the eligibility of the beneficiaries was verified before making allotments under the Discretionary Quota, ii) whether individual statements of beneficiaries were recorded to substantiate the need for an

allotment from the Chairman's Discretionary Quota, and ii) whether the allottees of the plots in question were required to be exempted from the rules applicable to the general public. The High Court by its judgment dated 24.11.2011 dismissed the writ petition, *inter alia*, on the ground , that there was no *bona fide* intention on the part of the Petitioner to espouse the public cause in the purported PIL. The High Court held,

*“36. The aforesaid subsequent events and the conduct of the petitioner in filing the Misc. Cases would clearly go to show that the PIL is not filed with a bona fide intention to prevent any public injury or protect public interest. Therefore, the legal principles laid down by the Apex Court in catena of decisions referred to in the case of State of Uttaranchal v. Balwant Singh Chauhal referred to supra in all force are applicable to the fact situation of the case at hand and compel us to record a finding that absolutely there are no bonafides on the part of the petitioner to espouse the public cause in this purported PIL as claimed by the petitioner in this writ petition.”*

A copy of recent RTI reply dated 15.10.2013 provided by CDA enclosing request letters dated 26.09.2007 and 08.01.08 is annexed herewith as **Annexure P/18 (Pages 142-149)**. The information was supplied in response to the RTI application of Petitioner No. 3 dated 04.09.2013.

**14. CAG report -** The Report of the Comptroller and Auditor General on General and Social Sector- Vol-2 (Report No. 4-

Government of Odisha- Report for the year ending 31<sup>st</sup> March 2012) gives details of arbitrariness and discrimination in land allotment by Government of Odisha. Chapter 2 of the said report contains the findings of Performance Audit on Allotment of Government land by General Administration (GA) department in Bhubaneswar city for various purposes. Para 2.1.10 of the Report, which deals with the policy and procedure governing the allotment of land, states as under;

*“During 2000-12, GA department allotted 464.479 acres of land. Despite such a huge volume of land being allotted during the period, there was no policy or procedure framed by the Government for allotment of Government land in Bhubaneswar.”*

*“In absence of any rules framed under the Government Grants Act, 1895 (GG Act) and lack of stated criteria to guide the discretion of the State, the process of allotment of land was prone to arbitrariness and lack of transparency.”*

The Report observes in Para 2.1.10.2, “... Basic data such as allotment of land through alienation/ lease indicating serial numbers of application, date of application, name and address of lessee, area leased, purpose, terms and conditions of allotment, amount of premium charged and paid and land use status, as necessary under Orissa OGLS (Government Land Settlement Act, 1962) Rules 1983 (Rule 5) were not available in the GA department.” The Report states in Para 2.1.10.3 that

plots in urban area were to be divided into five categories under rule 3 of OGLS Rules, 1983 ; i) land reserved for poor people; ii) land reserved for middle class people; iii) land required for future requirement for Government and other public purposes; iv) land to be settled by public auction, and v) land to be reserved for setting up small and medium scale industries. The Report further states, “ As the department did not categorize the Government land available at different locations under Bhubaneswar Municipal Corporation (BMC), no land was reserved for the urban poor, thereby, depriving them of the opportunity to settle in the capital city though their presence was essential for the general interest of the public and business, trade or profession or any other legitimate reasons directly connected with their livelihood. In absence of earmarked area for urban poor, the possibilities of encroachment of Government land and development of slum in capital cannot be ruled out. The BMC identified (August 2009) 377 slums developed under BMC area with a population of 3.07 lakh.”

The CAG found that in respect of 154.473 acres of land out of the 424.200 acres allotted, allotments were made on *suo motu* applications. As the applicants did not belong to any of the categories i), ii), iii) and v) mentioned above, these lands should have been put to auction (category iv), which was not done.

The audit scrutiny revealed that although the premium was to be revised every three years, the GA department had not revised the rate of lease premium of Government land under BMC area for a period of 11 years from May 1998 to December 2009.

A true copy of the relevant chapter 2 of the CAG Report 4 of 2013 (Government of Odisha) is annexed herewith as **Annexure P/19 (Pages 150-185)**

#### REPRESENTATIONS

15. The Petitioner No. 3 made several representations to various authorities, including State and Central Governments, regarding the rampant corruption in the allotment of plots under the discretionary quota. The Department of Personnel and Training forwarded the grievance petition dated 25.05.2012 to the CBI for appropriate action. A copy of the letter dated 27.11.2012 addressed by the Under Secretary, Department of Personnel and Training, to the Director, CBI is annexed herewith as **Annexure P/20(Pages 186-187)**. The Petitioner No. 3 made a representations dated 28.03.2012 and dated 30.03.2012 to the Chief Minister of Odisha, requesting for an inquiry into the allotment of land to IAS/IIPS officers and Judges under the Minister's discretionary quota between 1990-2011 without following any guidelines, as revealed by RTI replies of CDA and BDA and for appropriate step to preserve the independence of the judiciary. A copy of the representations dated 28.03.2012 and 30.03.2012 is annexed herewith as **Annexure P/21 Colly (Pages 188-194)**. A copy of representation of Petitioner No. 3 dated 07.05.12 to Chief Minister Odisha and to the Prime Minister complaining against the DQ allotment to S.P. Vigilance, Lokayukta Judge etc. is annexed herewith as **Annexure P/22 (Pages 195-199)**. A copy of complaint of Petitioner No. 3 dated 27.09.2012 to the



Prime Minister of India and to the Vice President of India, complaining against the DQ allotment to DGP of Odisha Police, whose name was proposed for the post of Director, CBI, is annexed herewith as **Annexure P/23 (Pages 198-200)**. The Vice President's office forwarded the representation of Petitioner No. 3 to the DOPT for necessary action by letter dated 05.10.2012 which is annexed herewith as **Annexure P/24 (Pages 201)**. The Petitioner No. 3 made several other representations to the Vice President of India complaining against the discretionary allotment of plots of land to IAS and IPS officers and the corruption involved in such allotment; all these representations were forwarded to the Chief Secretary, Government of Odisha. True copies of letters dated 28.06.2012, 17.07.2012, 01.08.2012, 13.08.2012 and 14.08.2012 are annexed herewith as **Annexure P/25 (Colly)** (**Pages 201-206**). True copies of a letter forwarded from the office of Governor, Odisha to the Commissioner- cum Secretary to Government, Department of Housing & UD annexing a representation of Petitioner No. 3 is annexed herewith as **Annexure P/26 (Pages 207)**. True copies of letters dated 25.06.2012 and 27.06.2012 from the Prime Minister's office to the Chief Secretary, Govt of Orissa forwarding complaints of the Petitioner No. 3 are annexed as **Annexure P/27 (Pages 208-209)**.

16. The Petitioners submit that the Petitioner No. 3 has been diligently making representations to various authorities since she started receiving reliable information through RTI, for

action against the arbitrary and discriminatory allocation of plots of land. However, no action was taken on the aforesaid representations made by the Petitioner No. 3 against misuse of official position by IAS, IPS officials and loss caused to the public exchequer through the discretionary allotment of plots of land. It is further submitted that the BDA has recently amended its procedure for allotment of assets in 2012. Chapter 8 of the Procedure book states, "*Allotment under discretionary quota of the Authority has been abolished vide Government's Housing and UD department letter dated 20.12.2011. Henceforth, there will be no provision for allotment of assets under discretionary quota of assets.*"

## **GUJARAT**

14. Arbitrary allotment of plots of land to MPs, MLAs and IAS, IPS officers at Gandhinagar has been the subject matter of adjudication in the High Court of Gujarat in a *suo motu* proceeding (SCA No. 13550/2000). The High Court had passed interim orders dated 03.04.2001, 11.04.2001 and 26.04.2001 restraining the Government of Gujarat from further allotment of plots at Gandhinagar to Government servants and MLAs/MPs. The State of Gujarat filed SLP No. 8726-8728/2001 challenging the interim orders of stay of allotment of plots of lands passed in the *suo motu* case. This Hon'ble Court stayed the interim orders passed by the High Court and granted leave in the SLPs. The matter was finally disposed of by order dated 06.12.2007 passed by this Hon'ble Court in Civil appeal No. 7915-7917 of 2001 arising out of the said SLP filed by the Respondents. This

Court remanded the matter back to the High Court of Gujarat for final disposal and requested expeditious adjudication of the *suo motu* case by its order dated 06.12.2007. A copy of the order dated 06.12.2007 passed by this Hon'ble Court in Civil appeal No. 7915-7917 of 2001 is annexed herewith as **Annexure P/28(Pages 21b-211)**.

15. It appears that after this Hon'ble Court's order dated 06.12.2007 for expeditious disposal of the *suo motu* proceedings, the Government of Gujarat passed a Resolution dated 06.11.2008 for allotment of plots of land at concessional rates to the serving Chief Justice/ Judges of the High Court of Gujarat and to the Hon'ble Judges of the Supreme Court of India elevated from the High Court of Gujarat. The resolution stated that demands for allotment of land in Ahmedabad had been made by sitting Judges of the Gujarat High Court and former Judges of the High Court who had been elevated to the Supreme Court. A true translated copy of the Resolution of Govt. of Gujarat dated 06.11.2008 is annexed herewith as **Annexure P/29 (Pages 21a-217 )**.

16. Pursuant to the resolution dated 06.11.2008 the Government of Gujarat by order dated 11.09.2009 allotted 25,538 sq. mtrs of land to the sitting Judges of High Court and to the sitting judges of Supreme Court elevated from the High Court of Gujarat, as per the condition of the resolution dated 06.11.2008. A copy of the order dated 11.09.2009 passed by

Government of Gujarat, Revenue Department is annexed herewith as **Annexure P/30 (Pages 218-221)**.

17. The District Collector of Ahmedabad by order dated 06.01.2010 ordered allotment of plot of lands to 23 individual judges named in the order. The order states that the land was resolved to be allotted as per the Government resolution dated 06/11/08 and as per the meetings of the Judges held on 26/08/09 and 27/08/09 with a view to ensuring that the entire land was allotted at the same place. The order details the procedure followed in the allotment process and the conditions of allotment. By this order, the Collector gave directions for entering the order of allotment of plots in the village records. A true copy of order dated 06.01.2010 passed by District Collector, Ahmedabad, is annexed herewith as **Annexure P/31 (Pages 222-230)**.

18. Another PIL (Writ Petition No. 5 of 2010) was filed in the High Court of Gujarat to challenge the allotment of land to MPs and MLAs. The High Court summarily dismissed the PIL on the ground that no public interest was involved in the matter. The Petitioner in the said PIL challenged the order of dismissal in this Hon'ble Court by way of SLP (c) No. 896 of 2012. This SLP is pending adjudication in this Hon'ble Court. This Hon'ble Court on 02.11.2012 while hearing the SLP (c) No. 896 of 2012 was pleased to pass the following order:

*“Having heard learned counsel for the parties at some length, we feel that it would be proper and expedient if the High Court is requested to dispose of the Special Civil Application No. 13550 of 2000 expeditiously.*

*It is pointed out that the aforesaid application was last listed on 29.11.2010. However, it appears that since 08.04.2008, no effective orders have been passed by the High Court. In that view of the matter, we request the High Court to take up the aforesaid application for final disposal as expeditiously as possible. The High Court would be free to pass any order or issue such directions as may be considered necessary for adjudication of the subject issue.*

*We, however, direct that till the High Court disposes of the Suo Motu action, no further allotments or permission to transfer the plots already allotted under the Government Resolutions in question, would be granted without the leave of the High Court. It may be noted that according to learned counsel appearing for the respondent, the State Government has not made any afresh allotments after the year 2000 and as a matter of fact, the entire policy for such allotments is being re-examined.*

*Call for directions after six months.”*

A copy of order dated 02.11.2012 passed by this Hon'ble Court in SLP (c) No. 896 of 2012 is annexed herewith as

Annexure P/32 (Pages 231-232).

19. The Petitioners submit that the SCA 13550 of 2000 (*Suo Motu* case) is still pending in the High Court. Four Hon'ble Judges of the High Court have recused themselves from hearing the SCA so far. True copies of orders dated 26.02.2013, 12.03.2013, 01.04.2013 and 05.04.2013 passed by the Hon'ble High Court of Gujarat and latest status report of SCA 13550 of 2000 are annexed herewith as **Annexure P/33 (Colly)**.

*(Pages 23-24b)*

20. The Petitioners submit that arbitrary and discriminatory allocation of government land to persons in authority and their relatives is a common phenomenon in other States as well. Such non transparent and discriminatory alienation of a finite and scarce national resource in almost every State in favour of the members of the executive, the judiciary and the legislatures is a flagrant violation of public trust. Some of the governments also allot land to appease influential media persons. Thus, all the four pillars of democracy are being compromised by bestowing State largesse in the form of plots of land in premium urban localities, putting in jeopardy the larger public good and the rule of law.

#### 14. GROUNDS

i) That the allotment of land through Discretionary Quota in the absence of statutory regulations or guidelines based on the doctrine of equality is an unconstitutional, illegal, and arbitrary exercise of discretionary power by the State Government of Odisha and/ or the Chairman of BDA and

CDA. Such allotments are liable to be quashed as they are violative of Article 14 of Constitution.

In **Common Cause, A Registered Society v. Union of India** (1996) 6 SCC 530, a two Judge Bench of this Hon'ble Court considered the legality of the discretionary powers exercised by the then Minister of State for Petroleum and Natural Gas in the matter of allotment of petrol pumps and gas agencies. While declaring that allotments made by the Minister were wholly arbitrary, nepotistic and motivated by extraneous considerations the Court said:

*" 22. The Government today - in a welfare State - provides large number of benefits to the citizens. It distributes wealth in the form of allotment of plots, houses, petrol pumps, gas agencies, mineral leases, contracts, quotas and licenses etc. Government distributes largesses in various forms. A Minister who is the executive head of the department concerned distributes these benefits and largesses. He is elected by the people and is elevated to a position where he holds a trust on behalf of the people. He has to deal with the people's property in a fair and just manner. He cannot commit breach of the trust reposed in him by the people."*

*"24. ... While Article 14 permits a reasonable classification having a rational nexus to the objective sought to be achieved, it does not permit the power to*

*pick and choose arbitrarily out of several persons falling in the same category. A transparent and objective criteria/procedure has to be evolved so that the choice among the members belonging to the same class or category is based on reason, fair play and non-arbitrariness. It is essential to lay down as a matter of policy as to how preferences would be assigned between two persons falling in the same category."*

- ii) That the allotment of plots of land at concessional rates or without auction to the privileged sections of society, such as IAS and IPS officers, Judges, MPs, and MLAs, is inconsistent with Article 38 (2) [to minimize the inequalities of income] and Article 39 (b) [material resources of the community are so distributed to subserve the common good] of the Directive Principles of State Policy enshrined in the Constitution and hence, such a distribution of State largesse is unreasonable and violative of Public Trust. In **Kasturi Lal Lakshmi Reddy v. State of J And K** (1980) 4 SCC 1, Bhagwati J. speaking for the Court observed:

*"12 ... The Directive Principles concretise and give shape to the concept of reasonableness envisaged in Articles 14, 19 and 21 and other Articles enumerating the fundamental rights. By defining the national aims and the constitutional goals, they set forth the standards or norms of reasonableness which must*



*guide and animate governmental action. Any action taken by the Government with a view to giving effect to any one or more of the Directive Principles would ordinarily, subject to any constitutional or legal inhibitions or other over-riding considerations, qualify for being regarded as reasonable, while an action which is inconsistent with or runs counter to a Directive Principle would incur the reproach of being unreasonable.*

14. *Where any governmental action fails to satisfy the test of reasonableness and public interest discussed above and is found to be wanting in the quality of reasonableness or lacking in the element of public interest, it would be liable to be struck down as invalid. It must follow as a necessary corollary from this proposition that the Government cannot act in a manner which would benefit a private party at the cost of the State; such an action would be both unreasonable and contrary to public interest.”*

**In Shri Sachidanand Pandey and Anr. Vs. The State of West Bengal and Ors.** (1987)2SCC295, this Court has held,

*“40. On a consideration of the relevant cases cited at the bar the following propositions may be taken as well established. State-owned or public-owned property is not to be dealt with at the absolute discretion of the*

*executive. Certain precepts and principles have to be observed. Public interest is the paramount consideration. One of the methods of securing the public interest, when it is considered necessary to dispose of a property, is to sell the property by public auction or by inviting tenders. Though that is the ordinary rule, it is not an invariable rule. There may be situations where there are compelling reasons necessitating departure from the rule but then the reasons for the departure must be rational and should not be suggestive of discrimination. Appearance of public justice is as important as doing justice. Nothing should be done which gives an appearance of bias, jobbery or nepotism.”*

- iii) That the allotment of plots of land by State Governments to Judges, MPs, MLAs, IAS and IPS officers, journalists, even within the framework of a policy, is unconstitutional and violative of public trust, as it fails to satisfy the test of reasonableness and therefore, the same is liable to be quashed. In **Akhil Bhartiya Upphokta Congress Vs. State of Madhya Pradesh and Ors.** (2011)5 SCC 29 this Hon'ble Court has held,

*“31. What needs to be emphasized is that the State and/or its agencies/instrumentalities cannot give largesse to any person according to the sweet will*

*and whims of the political entities and/or officers of the State. Every action/decision of the State and/or its agencies/instrumentalities to give largesse or confer benefit must be founded on a sound, transparent, discernible and well defined policy, which shall be made known to the public by publication in the Official Gazette and other recognized modes of publicity and such policy must be implemented/executed by adopting a nondiscriminatory or non-arbitrary method irrespective of the class or category of persons proposed to be benefitted by the policy. The distribution of largesse like allotment of land, grant of quota, permit license etc. by the State and its agencies/instrumentalities should always be done in a fair and equitable manner and the element of favoritism or nepotism shall not influence the exercise of discretion, if any, conferred upon the particular functionary or officer of the State.*

*32. We may add that there cannot be any policy, much less, a rational policy of allotting land on the basis of applications made by individuals, bodies, organizations or institutions de hors an invitation or advertisement by the State or its agency/instrumentality. By entertaining applications made by individuals, organizations or institutions for allotment of land or for grant of any other type of*

*largesse the State cannot exclude other eligible persons from lodging competing claim. Any allotment of land or grant of other form of largesse by the State or its agencies/instrumentalities by treating the exercise as a private venture is liable to be treated as arbitrary, discriminatory and an act of favoritism and nepotism violating the soul of the equality clause embodied in Article 14 of the Constitution.*

*33. This, however, does not mean that the State can never allot land to the institutions/organizations engaged in educational, cultural, social or philanthropic activities or are rendering service to the Society except by way of auction. Nevertheless, it is necessary to observe that once a piece of land is earmarked or identified for allotment to institutions/organizations engaged in any such activity, the actual exercise of allotment must be done in a manner consistent with the doctrine of equality.*

*The competent authority should, as a matter of course, issue an advertisement incorporating therein the conditions of eligibility so as to enable all similarly situated eligible persons, institutions/organizations to participate in the process of allotment, whether by way of auction or otherwise. In a given case the Government may allot land at a fixed price but in that case also allotment must be preceded by a*

wholesome exercise consistent with Article 14 of the Constitution.

In **Shrilekha Vidarthi v. State of U.P.** : (1991) 1 SCC 212, the Court unequivocally rejected the argument based on the theory of absolute discretion of the administrative authorities and immunity of their action from judicial review and observed:

*“It can no longer be doubted at this point of time that Article of the Constitution of India applies also to matters of governmental policy and if the policy or any action of the Government, even in contractual matters, fails to satisfy the test of reasonableness, it would be unconstitutional. (See Ramana Dayaram Shetty v. The International Airport Authority of India (1979) 3 SCR 1014 and Kasturi Lal Lakshmi Reddy v. State of Jammu and Kashmir (1980) 3 SCR 1338 In Col. A.S. Sangwan v. Union of India (1980 (Supp) SCC 559)”*

iv) That every State organ is a repository of public trust. However, the function of judiciary is distinctly different in the sense that its function approaches the divine. This Court has held, *“Because of the power he wields, a Judge is being judged stricter than others”*. It is submitted that the discriminatory distribution of state largesse in the form of plots of land to Judges creates an adverse public perception about the independence of the judiciary. This is

bound to have a serious implication for the rule of law.

In **Tarak Singh and Anr. Vs. Jyoti Basu and Ors.** (2005)1SCC201, this Hon'ble Court has held,

*"22. Again, like any other organ of the State, judiciary is also manned by human beings - but the function of judiciary is distinctly different from other organs of the State - in the sense its function is divine. Today, judiciary is the repository of public faith. It is the trustee of the people. It is the last hope of the people. After every knock at all the doors failed people approach the judiciary as the last resort. It is the only temple worshipped by every citizen of this nation, regardless of religion, caste, sex or place of birth. Because of the power he wields, a Judge is being judged with more stricter than others. Integrity is the hall-mark of judicial discipline, apart from others. It is high time the judiciary must take utmost care to see that temple of justice do not crack from inside, which will lead to catastrophe in the justice delivery system resulting in the failure of Public Confidence in the system. We must remember that woodpeckers inside pose a larger threat than the storm outside.*

23. Since the issue involves in the present controversy will have far reaching impact on the quality of judiciary, we are tempted to put it on record which we thought it to be a good guidance to achieve the purity of Administration of Justice. Every human

*being has his own ambition in life. To have an ambition is virtue. Generally speaking, it is a cherished desire to achieve something in life. There is nothing wrong in a Judge to have ambition to achieve something, but if the ambition to achieve is likely to cause compromise with his divine judicial duty, better not to pursue it. Because if a judge is too ambitious to achieve something materially, he becomes timid. When he becomes timid there will be tendency to compromise between his divine duty and his personal interest. There will be conflict in between interest and duty.”*

- v) That the unreasonable distribution of State largesse to high ranking officials of the executive, the judiciary and the legislatures adversely affects the concepts of rule of law and separation of powers, which concepts are part of the basic structure of our Constitution. All the organs of the State viz., executive, legislatures and judiciary, are repository of public trust. The legislatures and the judiciary are duty bound to check and balance the functions of the executive. When they become the beneficiaries of illegal distribution of state largesse, there is a reasonable apprehension of collusion among the three organs in the public mind. By becoming the beneficiaries of illegal gratification by the executive, they compromise their capacity to check the unlawful action of the executive.

vi) That the discretionary allocation of plots of land by BDA and CDA and the allotment of land by the State of Gujarat to undeserving persons at concessional rate has caused a huge loss to the public exchequer. In several cases, the land allotted is transferred/ sold by the allottees for private gain at the cost of public exchequer. Such allotments also cast an undue economic burden on the original land owners, who are deprived of their livelihood when their lands are acquired in the name of public purpose, but are ultimately distributed to a select group of persons for private gain.

vii) That the allotment of land through discretionary quota to IAS and IPS officers on the basis of requests made by such officers is in violation of the conduct rules of their services. This also amounts to an abuse of official position punishable under the Prevention of Corruption Act. A thorough Court-monitored inquiry by the CBI or by a Committee appointed by this Hon'ble Court is warranted to establish the wrong doing on the part of the Minister(s) and Govt officials so that those found guilty may be prosecuted for abuse of their official position.

viii) That the prevailing lack of probity in high public offices seriously impairs the right of the people of this country to live in a corruption free society governed by the rule of law.

This is a violation of Article 21 of the Constitution. The right to life guaranteed to the people of this country also includes



in its fold the right to live in a society which is free from crime and corruption.

ix) That the distribution of State largesse in the form of discretionary allocation of plots of land to Judges, MPs, MLAs, IAS and IPS officers suffers from the vice of arbitrariness, because there is no rational nexus between the class differential and the object sought to be achieved through such classification. Any advantage to the class of highly placed public servants, except in terms of their service conditions, has no rational nexus with the object sought to be achieved by such classification. That the distribution of State largesse in the present matter is being done beyond the scope of the terms and conditions of service of the beneficiary public servants.

x) That a token distribution of State largesse in favour of the weaker or deserving sections of society cannot compensate for the enrichment of highly placed beneficiaries, because the clubbing of deserving persons with the affluent sections would amount to treating unequals as equals.

15. The Petitioners have not filed any other writ, complaint, suit or claim regarding the matter of dispute in this Hon'ble court or in any other court or tribunal throughout the territory of India.

16. That the Petitioners have no other alternative efficacious remedy available except to approach this Hon'ble Court.

#### PRAYERS

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Court may in public interest be pleased to: -

- a. Appoint a committee or a suitable person functioning under direct supervision of this Hon'ble Court to scrutinize all the cases of discretionary allotments after hearing parties and issue an appropriate writ/ order and/or direction in the nature of mandamus quashing/ cancelling all the allotments of Government lands by State of Odisha and /or BDA and CDA under discretionary quota;
- b. Issue an appropriate writ to direct a thorough investigation by the CBI into the abuse of official position by public servants of the State of Odisha in the entire allotment of plots of land through discretionary quota of Minister of Housing & Urban development, Government of Odisha or through the Discretionary quota of Chairman BDA and Chairman CDA; and
- c. Issue appropriate writ quashing/ cancelling allotment of plots of land by order dated 11.09.2009 issued by Government of Gujarat, Revenue Department pursuant to resolution dated 06.11.2008 for allotment of plots of land at concessional rates; and
- d. Issue appropriate writ and/ or direction directing the State of Odisha and State of Gujarat to recover the windfall gains that may have accrued through sale/ transfer of plots allotted through discretionary quota in Odisha and through sale/

transfer of plots allotted pursuant to resolution dated  
06.11.2008 of the State of Gujarat; and

- e. Issue or pass any writ, direction or order, which this Hon'ble  
court may deem fit and proper in the facts of the case and in  
the interest of probity and rule of law.

PETITIONERS  
THROUGH

PRASHANT BHUSHAN  
(COUNSEL FOR THE PETITIONERS)

Drawn By: Ramesh K Mishra, Adv.  
Drawn On: 5<sup>th</sup> December 2013  
Filed On: ~~11<sup>th</sup>~~ December 2013  
New Delhi

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**

36

**WRIT PETITION (CIVIL) NO.        OF 2013**  
**PUBLIC INTEREST LITIGATION**

**In the matter of:**

Centre for Public Interest litigation & Ors

...Petitioners

**Versus**

Union of India & Ors

...Respondents

**AFFIDAVIT**

I, Kamal Kant Jaswal, S/o Late Shri Ambica Prasad Jasvaul, Director of the Petitioner no. 2, Common Cause, having its office 5, Institutional Area, Nelson Mandela Road, Vasant Kunj, New Delhi 110070, do hereby solemnly affirm and state as under:

1. That I am the Petitioner No. 2 in the aforementioned writ petition and being familiar with the facts and circumstances of the case, I am competent and authorized to swear this Affidavit. The Petitioner no. 2 is a registered society (Registration no. S/11017) founded in 1980. I am authorized by the Rules and Regulations of the registered society to institute petitions on its behalf. I have also been authorised to file this affidavit on behalf of the other petitioners as well.

2. That I have read the contents of the accompanying synopsis & list of dates (Page \_\_ to \_\_), the Writ Petition (Page \_\_ to \_\_), and the accompanying application for exemption from filing OT (Page \_\_ to \_\_) and state that the same are true to my belief and knowledge.
3. The petitioners have no personal interest in the litigation and neither myself nor anybody in whom the petitioners are interested would in any manner benefit from the relief sought in the present litigation, save as a member of the general public. This petitions are not motivated by self-gain or gain of any person, institution, body and there is no motive other than that of public interest in filing this petition.
4. This petition is based on information received from authentic government documents, CAG report, newspaper reports, and other publicly available documents.
5. That the annexures are true copies of their respective originals.
6. I have done whatever inquiry/investigation that was in my power to do, and collected all data/material which was available and relevant for this court to entertain the present petition. I further confirm that I have not concealed any data/material/information which may have enabled this court to form an opinion as to

whether to entertain this petition or not and/or whether to grant any relief or not.



**DEPONENT**  
Kamal Kant Jaswal  
Director, COMMON CAUSE  
5, Institutional Area,  
Nelson Mandela Road, Vasant Kunj  
New Delhi-110070

**VERIFICATION:**

I, the above named Deponent, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge; that no part of it is false and that nothing material has been concealed therefrom.

Verified at New Delhi on this **11<sup>th</sup>** day of December 2013.



**DEPONENT**  
Kamal Kant Jaswal  
Director, COMMON CAUSE  
5, Institutional Area,  
Nelson Mandela Road, Vasant Kunj  
New Delhi-110070

**ANNEXURE - P1**

the Valuation Officer under Clauses (iii), (iv), (vi), (vii), (viii), and (x) of Sub-section (3) of Section 35 is modified, varied or rejected by it.

- (4) On receipt of a copy of appeal preferred to it under Section 37, the Board of Appeal shall give such notice as it deems sufficient to the parties concerned.

- (5) The Board shall meet and adjourn as it thinks proper with due regard to dispatch of business, but shall decide all appeals received within a period of twelve months from the date of constitution of the Board of Appeal.

**(40) Submission of final town planning scheme by the Valuation Officer to State Government for sanction under Section 35 (2)**

The Valuation Officer shall submit the final town planning scheme to the State Government for sanction after making necessary variation in the scheme in accordance with the decision of the Board of Appeal within four months from the date of receipt of the decision of the Board of Appeal.

**Management and Disposal of Lands and Properties**

**(50) Property register**

The Authority shall keep proper and up-to-date record of all immovable property belonging to it, which shall be maintained in Form XII in respect of land and in Form XIII in respect of buildings.

**(51) Management of properties**

Such Officer of the Authority as may be put in charge of the registers specified under Rule 50 shall ensure that the particulars of properties of the Authority are entered in such registers and shall also, at the interval of every three months, examine and certify that no such property of the Authority is being misused or has been encroached upon or unauthorized

occupied.

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**(52) Disposal of property**

(1) Properties which have been acquired or purchased in pursuance of a scheme shall, as far as possible, be utilized for the execution of the said scheme. If any property which has been so required is later found to be surplus for the purpose of that scheme the Authority may, subject to any direction by the State Government, utilize, let-out, or dispose of that property in such manner and subject to such terms and conditions as the Authority may consider expedient.

(2) Subject to any direction by the State Government, the Authority may dispose of any land acquired by the State Government and transferred to it—

- (a) Without undertaking or carrying out any development thereon; or
- (b) After undertaking or carrying out such development as it thinks fit to such persons in such manner and subject to such terms and conditions as it considers expedient for securing the planned development of the area under its jurisdiction.

(3) After any land at the disposal of the Authority under Subsection (1) of Section 75 has been developed by, or under the control or supervision of the Authority it shall, subject to the direction given by the State Government in this behalf, be dealt with by the Authority to such manner as it may consider expedient for securing the planned development of the locality.

**(53) No disposal by way of gift, mortgage or charge**

Nothing in these rules shall be construed as enabling the Authority to dispose of land by Way of gift, mortgage or charge, but subject to the provisions contained in these rules, the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any right, easement or privilege or otherwise.

**(54) Lease or disposal of property at a value not below the market value**

If any property belonging to the Authority is let out or disposed under Rules 52 and 53, it shall not be at a value below the letting value or market value of the property, as the case may be, such value being fixed



by the Authority.

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**(55) Form of transfer of property by the Authority**

The form of transfer, for disposal of property by way of lease or otherwise to be used by the Authority shall be such as may be approved by the Authority.

**(56) Stock Register**

A Stock Register of all movable properties belonging to the Authority shall be maintained in two parts in Form XIV and Form XV.

**(57) Physical verification of movable properties**

Physical verification of the stock of movable properties of the Authority shall be done once in every year by such officer as may be authorized by the Vice-Chairman in this behalf.

**Works**

**(58) Annual statement of works and commencement**

(1) The Engineer-member shall furnish annually a statement of works with estimated cost for execution during the ensuing year to the Authority, sufficiently in advance before the preparation of the Budget and final selection of works shall be decided by the Authority. All estimates shall be countersigned by the Vice-chairman and be laid before the Authority for administrative sanction. A register of estimates and corresponding allotment shall be maintained in such form as may be determined by the Authority.

(2) No new works shall be commenced until the plans and estimates have been approved and an allotment made by the Authority. The allotment sanctioned shall in no case be exceeded without proper sanction. Emergent works, however, may, with the approval of the Vice-Chairman, commence in anticipation of the sanction, provided that regular plans and estimates shall be submitted at the earliest opportunity.

(3) No repair works shall be commenced unless the necessary funds for the same have been allotted by the Authority.

**(59) Classification of works and schedule of rates**

(1) Works shall be divided into two classes, namely: (a) Original works and (b) repairing and maintenance works. Original works shall include

**(TRUE COPY)**

Annexure P-2 (Colly)

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Form-A

See Rule-4(1)

Application for information under section 6(1) of the Act.

To Public Information Officer

(Name of the office with address): The chairman in, BDA, BBSR

1. Full name of the applicant: Jayant Das
2. Father/Spouse name: Kumuda Bandhu Das
3. Permanent Address: Chintamani Niwas Mahamadia Bazar Chandni Chowk Cuttack- 753002
4. Particulars in respect of identity of the applicant: Pan A-DDP 7900E
5. Particulars of information solicited

(a) Subject matter of information : Guidelines to land allotment of Minister's Quota

(b) The period to which the information relates: 1980-2011

(c) Specific details of information required : Provide copy of the guidelines of govt. of Orissa followed in land allotment under minister's quota scheme followed 1980-2011 and the qualifications required to get plot under quota.

(d) Whether information is required by post or in person or by Email:

(The actual postal charges shall be included in providing information)

(e) In case by post (ordinary, registered or speed): Speed Post

6. Address or E-mail ID to which information will be sent & in which from: Chintamani Niwas Mahamadia Bazar Chandni Chowk Cuttack- 753002

7. Was the information provided earlier?: NO

8. Is this information not made available by the Public authority?:

NO

9. Do you agree to pay the required fee? : Yes

10. Have you deposited application fee?

(If yes; details of such deposit): Yes IPO 9E-E 115142

11. Whether belongs to BPL category; have you furnished to proof of the same?: No

Place: Cuttack  
Applicant

Full signature of the

Date: 09.11.2011

Address

Office of the Public Information Office:

Received the application from

.....address

.....on

.....

.....seeking information.

Place:

Full signature of public information

Officer

Date:

Designation

Seal



BHUBANESWAR DEVELOPMENT AUTHORITY  
AKASH SHOYA BUILDING  
PANDIT JAWAHARLAL NEHERU MARG, BHUBANESWAR-751001

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No. 24068 /BDA, Bhubaneswar Dt. 25.11.2011  
To ALMTV-72/11

Jayant Das  
W/O Kumud Bardhan Das  
Chintamani Niwas, Mahamadia Bazar  
Chandini Chowk, Cuttack-753002

Sub: Supply of RTI information under RTI Act.

Madam,

With reference to your application dt.09.11.11 on the subject cited above, I am to inform you that guide lines of the Govt. of Odisha followed in land allotment under Ministers Quota Scheme is not available in BDA.

Yours faithfully

  
PIO-Cum-Allotment Officer-II

Memo No. \_\_\_\_\_/BDA, Bhubaneswar Dt. \_\_\_\_\_  
Copy forwarded to PIO-Cum-AO-1 for kind information and necessary action.

PIO-Cum-Allotment Officer-II

(TRUE COPY)

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ANNEXURE - P3

RTI URGENT

Information sought for by the applicant Jayanti Das Dy. No.345  
dttd.17.01.2012 under RTI Act is given below.

01. Copy of the Office Order regarding allocation of reservation percentage is enclosed herewith for kind information.

Order No.17750 dttd.20.12.2007 of OSHB.

Encl:- As above

*Smita*  
Asst. Admn. Officer (Urban)



# ORISSA STATE HOUSING BOARD

SCHIVALAYA MARG, BHUBANESWAR - 751001  
Phones EPABX: (0674) 2393524, 2390141, 2391542 FAX: (0674) 2393952  
Visit us at: <http://www.oshb.org>

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No. ~~17450~~ / OSHB Date: 22/12/2007

## OFFICE ORDER

Sub: Allocation of reservation percentage.

Government in H & U. D. Department vide their Letter No.XH-112/06-112/06-11300, dated 10.05.2007 has approved the discretionary quota of Chairman, Orissa State Housing from 5% to 10% at a par with Chairman, Bhubaneswar Development Authority and direct Orissa State Housing Board for consequential revision of such enhancement & its effect on other designater quota.

Board in its 241<sup>st</sup> meeting held on 30.08.2007 has accepted the Government resolution & revised the percentage of different category as follows:

Sl.No.	Category	Revised percentage
01.	General	40
02.	Employee	20
03.	Retired Employee	05
04.	S.C./S.T.	08
05.	Defence personnel/Ex.Serviceman	08
06.	Green Card	05
07.	Disable personnel	02
08.	Freedom Fighter	02
09.	Discretionary quota of Chairman	10

- 01.Further, Board in its 238th meeting held on 03.11.2006 have resolved that the houses under discretionary quota should only be allowed in favour of the applicants of the Scheme.
- 02.The allottees under discretionary quota should not dispose off the houses within five years.
- 03.The allottee under discretionary quota shall pay the full cost of the houses before taking over possession.
- 04.Guidelines of Government if any; are to be followed while dealing with discretionary quota.

This order is given effect from 10.05.2007 vide H & U.D. Department Letter No.XH-112/06-13843/HUD, dated. 08.06.2007.

Secretary

- CC to:
- 01.All Branch Officers of O.S.H.B.
  - 02.All Zonal Officers of O.S.H.B.
  - 03.P.A. to Chairman, O.S.H.B. for kind information of Chairman.
  - 04.Under Secretary to Govt., H & U.D. Department for information and necessary action.

(TRUE COPY)

ANNEXURE - P4

43



BHUBANESWAR DEVELOPMENT AUTHORITY  
AKASH SOVA BUILDING,  
NEHRU MARG, KHARAVELANAGAR, BUBANESWAR

No. 5033 /BDA, Bhubaneswar Dt. 13.03.2012  
RTI-(AO-1)-22/12

To,  
The Manager, MIS-cum  
Nodal Officer, RTI,  
MIS Section, BDA,  
Bhubaneswar.

Sub:- Information sought for by Smt. Jayanti Das under RTI Act.

Sir,  
With reference to your letter No-4236, dtd.27.02.12 on the subject cited above, I am to furnish here with the following information.

BDA prepares brochure, containing terms and conditions of allotment of assets for each individual Scheme. As per terms and condition of the brochure allotment under D/Q was being considered. There was no provision to publish press note/Advt. for public awareness regarding allotment under D/Q of the Authority.

Allotment of asset under D/Q was being made as per terms and conditions contained in the scheme brochure. However Allotment Manual came in to force with effect from 22.03.2010 since then all the allotment including D/Q is being guided by Allotment Manual. The Allotment Manual is displayed in BDA web site for information of general public.

Information pertaining to allotment made to IAS Officers in different schemes for the period from 2000-2011 has already been supplied to the applicant, Smt. Jayanti Das vide this office letter No-26601, dtd.28.12.11 in response to her application dtd.11.11.2011 submitted under RTI Act.

Yours faithfully

  
PIO-cum-Allotment Officer-I

(TRUE COPY)

ANNEXURE - P5

48

CUTTACK DEVELOPMENT AUTHORITY  
ARUNODAYA BHAWAN; LINK ROAD  
CUTTACK-12

No. 6781/CDA/Dated. 30.3.2012

To,

Jayanti Das,  
W/O-Kumuda Bandhu Das,  
Chintamani Niwas, Mahamadia Bazar  
Chandinchouck, Cuttack

Sub: Information U/S 6(1) of the R.T.I Act 2005.

Madam,

With reference to your application dated.12.03.2012 under  
R.T.I Act, I am enclosing information as sought for by you for your  
information.

Your's faithfully,

  
Public Information Officer



List of I.A.S./I.P.S./Judge/Judicial Officers allotted plots under D.Q in  
Bidanasi Project Area. (1990 - 2011)

- Sector-6  
Rajendra Mohan Pattanaik, I.P.S-C/11159  
Chitta Ranjan Pal, I.A.S, C/11170  
Anadi Sahoo, I.P.S D/1224  
Uma Sankar Mishra, I.P.S C/1247  
Bipin Bihari Mishra, I.P.S C/1222  
Bana Bihari Panda, I.P.S C/1383/4  
Prakash Mishra, I.P.S C/1377/4  
M. Axaya, I.P.S C/1378/4  
S.K.Chattaraji, I.P.S C/1377/3  
Lingaraj Rath, Hon'ble Justice B/1486  
Basanta Kumar Mohanty, I.A.S C/70  
Batakrushna Tripathy, I.P.S 8-3G-C/779  
Surendra Kumar Swain, I.P.S 8-3B/699  
Bijay Kumar Shirma, I.P.S 8-4B/738  
Bidya Bhusana Mohanty, D.I.G Police 6-B/1159/28  
Upendra Behera, I.A.S 6-GH-1150/C-26  
Harihar Panda, (D.i.G ) 6-GH/1150/28  
Manamoha Paharaj, I.P.S 6-GH/927/C-3  
Satyajeet Mohanty and 5-B/917/3  
Krishna Kaberi Pattanaik, I.P.S  
Ashutosh Mishra, I.P.S 1-C/32  
Binay Kumar Behera, I.P.S 6GH/1150/48  
Prafulla Ku. Tripathy, Hon'ble Justice 10-1B/02  
Debapriya Mohapatra, Hon'ble Justice 10-1B/01  
Ratikanta Mohapatra, S.D.J.M 10-6C/1587  
Madan Mohan Das, Hon'ble Justice 10-3B/842  
Pradyumna Kumar Mohanty, Hon'ble Justice 11-1B/41  
Sanju Panda, Hon'ble Justice 11-3C/1342  
Laxmikanta Mohapatra, Hon'ble Justice 11-3B/1332  
Bidhubhusana Mishra, I.P.S 11-4C/1388  
Balakrushna Sahoo, I.A.S 11-2C/780/5  
Nityananda Prusty, Hon'ble Justice 13-3B/880  
MD. Ajamal, Civil Judge 13-3C/928  
Gyanranjan Purohit, Judicial Member 13-2D/345  
Manoj Chhbra, I.P.S 13-4C/1557  
Binyananda Jha, I.P.S 13-3B/1234  
Sudhansu Sarangi, I.P.S 13-3B/1293  
Ramakristna Choudhary, Civil Judge 13-3E/1080

Sector-10

Sector-11

Sector-13

Besides the above it may be mentioned that there is no guideline for allotment of plots under D.Q. by the Chairman and eligibility norms of Govt. of Odisha.

P.I.O.C.D.A.

(TRUE COPY)

ANNEXURE-P6 (copy)

SP



## ODISHA STATE HOUSING BOARD

SACHIVALAYA MARG, BHUBANESWAR - 751 001

Phone: (0674)2393524, EPBAX: (0674)2391542, 2390141 FAX: (0674)2393952

Visit us at: [www.oshb.org](http://www.oshb.org)

No. 4020 /OSHB  
RTI-22/12

Dated 21 03 12

BY SPEED POST  
RTI MATTER  
MOST URGENT

From

Dr. B.K.Sahani,  
Public Information Officer.

To

Jayanti Das,  
Chhantamani Niwas, Mahamadia Bazar,  
Chandni Chouk, Cuttack – 753002.

Sub:- Supply of information sought for in 3 ( three ) nos. of RTI application dtd.16.01.12, vide Diary No. 344/CS dtd.17.01.12, 345/CS dtd.17.01.12 and 346/CS dtd.17.01.12 received on 16.02.2012 under RTI Act, 2005.

Ref:- (i) This office letter No. 3112/OSHB dtd.06.03.12 regarding information for payment.  
(ii) Your e- M. O. of Rs.56.00 received on 20.02.2012.

Madam,

With reference to the subject cited above, I am enclosing herewith the photo copies of required information for your kind information and necessary action.

Encl:- Photo copies of required information ( Seven pages).

Yours faithfully,  
  
21 03 2012  
Public Information Officer

BY SPECIAL MESSENGER

Memo No. \_\_\_\_\_ /OSHB

Dtd. \_\_\_\_\_

Copy forwarded to the Under Secretary to Govt., H & U.D.Deptt., BBSR for kind information and necessary action with reference to their letter No.3996/HUD dtd.13.02.12 to the Secretary, OSHB, BBSR and in continuation to this office Memo No.3113/OSHB dtd.06.03.12.

Public Information Officer



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344/08

Information required by Smt. Jayanti Das under RTI Act vide Dy. No. [unclear] [unclear] [unclear]  
dtd.17.1.12 are not relating to Advt. Section . And no press note / Advertisement have been  
published for applicants of discretionary quota by Govt.

*[Handwritten Signature]*  
28/02/2012  
Public Relation Officer

*[Handwritten Signature]*

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RTI of B.No. 177/OCHB  
~~87~~ 19/07/2012



**ORISSA STATE HOUSING BOARD**  
SACHIVALAYA MARG  
BHUBANESWAR-751 001

Phones PABX : (0674) 2390141, 2391542  
Fax : (0674) 2393952  
Secy : (0674) 2393524  
Chairman : (0674) 2391225

Date.....

U.O.I. No. 45 / dt. 18.04.2012....

Sub:- Supply of information sought in the RTI application  
dt.12.3.12 of Jayanti Das.

Ref:- U.O.I. No.22/OSHB, dt.11.04.12.

In response to your U.O.I. No.22/dt.11.04.2012,  
I am to inform you that there is no guide line available with  
OSHB to allot plot to IAS, IPS, Judges, Judicial Officers or  
Officer Govt. & Officers under DO of Minister (H.U.D).

*S. K. Mishra*  
Asstt. Housing Commissioner (R).

PIO, OSHB.

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RTI L.B. 1777/ OSHB, Dt. 19.04.2012

**ORISSA STATE HOUSING BOARD**  
SACHIVALAYA MARG  
BHUBANESWAR-751 001

Phones Pabx: (0674) 2390141  
Fax: (0674) 2393952  
Secy: (0674) 2393524  
Chairman: (0674) 2391225

No.....

Date.....

U.O.I. No. 45/ Dt. 18.04.2012

Sub:- Supply of information sought in the RTI application  
dt.12.03.2012 of Jayanti Das.

Ref:-U.O.I. No. 22/ OSHB, Dt. 11.04.2012

In response to your U.O.I. No. 22/dt. 11.04.2012, I am to inform you that there is no guide line available with OSHB to adlot. Plot to IAS, IPS, Judge, Judicial Officer of Odisha Govt. & others under DQ of Minister (H&U.D).


Sd/-

Asst. Housing Commissioner (R).

PIO, OSHB.

54

No press Notice have been published in the daily newspapers during the last 10 years regarding discretionary quota / distribution of Minister ( H & U.D ) as required by Jayanti Das under RTI.

  
Public Relation Officer  
28/04/2012

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## ODISHA STATE HOUSING BOARD

SACHIVALAYA MARG, BHUBANESWAR - 751 001

Phone: (0674)2393524, EPBAX: (0674)2391542, 2390141 FAX: (0674)2393952

Visit us at: [www.oshb.org](http://www.oshb.org)

No. 6354 /OSHB  
RTI-49/12.

Date 03.05.12

BY SPEED POST  
RI MATTER  
MOST URGENT

From

Dr. B.K.Sahani,  
Public Information Officer.

To

Jayanti Das,  
Chintamani Niwas, Mahamadia Bazar,  
Chandini Chowk, Cuttack -753002.

Sub:- Supply of information sought for in Form A application dtd.12.03.2012 under RTI Act,2005.

Ref:- (i) This office letter No.5811/OSHB dtd. 26.04.12 regarding information for payment.  
(ii) Your e-M.O. of Rs.34.00 received on 02.05.2012.

Madam,

With reference to the subject cited above I am enclosing herewith the photo copies of required information pertaining to O.S.H.B. for your kind information and necessary action.

Encl:- Photo copies of  
required information (Five pages)

Yours faithfully  
  
Public Information Officer

BY SPECIAL MESSENGER

Memo No. \_\_\_\_\_ /OSHB

Dtd. \_\_\_\_\_

Copy forwarded to the Under Secretary to Govt., H & U.D. Department for kind information and necessary action with reference to their letter No.10463/HUD dtd.04.04.12 to Secretary, OSHB, BBSR.

Memo No. \_\_\_\_\_ /OSHB

Dtd. \_\_\_\_\_

Copy forwarded to the PIO (N) - cum-Under Secretary to Govt., H & U.D.Deptt. for kind information and necessary action with reference to their letter No.11524/HUD dtd. 19.04.12 to Secretary, OSHB, BBSR.

Public Information Officer.



56

RTI URGENT

Information sought for by the applicant Jayanti Das Dy. No.344  
dttd.17.01.2012 under RTI Act is given below.

01. No such advertisements are made between 2000 – 2011.

*Smeeta*  
Asst. Admn. Officer (Urban)

(TRUE COPY)



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ANNEXURE- P3

BHUBANESWAR DEVELOPMENT AUTHORITY  
BHUBANESWAR

No. 12024 (72) /BDA., Bhubaneswar, Dated. 05/6 June '2012.  
MIS (RTI)-18/2012

To

Smt.Jayanti Das  
Chintamani Niwas,  
Mahamadia Bazar,  
Chandini Chowk,  
Cuttack-2

Sub :- supply of required information/documents as per provision of RTI Act 2005.  
Madam,

With reference to your RTI application dtd. 01.05.2012 on the above noted subject, I am to enclose herewith the <sup>documents</sup> ~~copy~~ received from the concerned P.I.Os relating to the information sought by you.

Encl:- 02 copies.

Yours faithfully,

  
Manager, MIS-cum-  
Nodal Officer, RTI

Information format for the period 1990 to 2000

58

Sl. No.	Name of the Scheme	Name of the IAS, IPS, Judges/Judicial officer, MLA/MP allotted asset in D.O.	Asset No.	Year of the allotment	Remarks
1	(1) Baramunda Housing Scheme	(2) Binay Kumar Behera, IPS	(3) House No.16	(4) 1992	(5)
2	Kalinga Nagar Plotted Development Scheme (HIG Category)	Sunil Kumar Pattnaik, Ex-M.P., Advocate	K8-268	1996	After death of the allottee allotment of plot changed to his son A.K. Pattnaik
3	-do-	Ramesh Ch. Pradhan, M.L.A.	K8-123	1996	
4	-do-	Bijay Kumar Nayak	K8-198	1996	
5	-do-	Ujalsingh Bhatia, IAS	K9B-502	1996	
6	-do-	Santosh Kumar Sarangi, IAS	K9A-224	1996	
7	-do-	Alaka Panda, IAS	K8-B	1996	ex-lected by Commission
8	-do-	Janak Diggai, IAS	K8-1182	1996	Allotment charged to Tushar Ranjan Sahu
9	-do-	Prasanta Kumar Nayak, IAS	K8-204	1996	
10	-do-	Goutam Kumar Das, IAS	K7-37	1996	
11	-do-	D.K. Samantaray, IAS	K8-311	1996	
12	-do-	Ajay Chandra Mohanty, Addl. Spl.Judge (Vigilance)	K8-1225	1996	
13	-do-	G. Mohan Kumar, IAS	K8-72	1996	
14	-do-	Nirajan Sangal, IAS	K8-112	1996	
15	-do-	Reena Mitra, IPS	K9B-129	1996	
16	-do-	Arundaya Swain, IAS	K9B-148	1996	
17	-do-	Surendranath Tripathy, IAS	K9B-32	1996	
18	-do-	Shobhana Kumar Pattanaik, IAS	K9B-216	1996	
19	-do-	Satyajit Mohanty, IPS	K9B-389	1996	Allotment changed to Sanjiv Bhalla & Rajiv Bhalla
20	-do-	Surath Kumar Dhal, Judge	K9B-78	1996	
21	Kalinga Vihar HIG Housing Scheme	Mahamad Ajmal, Judicial Magistrate	House No.16	1996	
22	-do-	Satyabrata Sahoo, IAS	House No.109	1996	
23	-do-	Suresh Ch. Mohapatra, IAS	House No.393	1996	

110 Cum  
  
 19/11/2000

List of I.A.S/I.P.S/Judge/Judicial Officers allotted Plots under D.O in Prachi Enclave Plotted Development Scheme Phase-I (1990-2000).

<u>Sl. No.</u>	<u>Name of the allottee</u>	<u>Designation</u>	<u>Plot No.</u>
1-	Pradeep Ku. Jena,	I.A.S	54
2-	Raj Kumar Sharma,	I.A.S	130 (C)
3-	Nikunja Bihari Dhal,	I.A.S	82 (A)
4-	Satyajit Mohanty,	I.P.S	73
5-	Visai Ku. Deb,	I.A.S	62/A Secretary HUD

*Handwritten signature/initials*

ALLOTMENT OFFICER (CPID)  
D.P.A., BHUBANESWAR

True Typed copy

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Information format for the year 1990 to 2000

Sl. No.	Name of the Scheme	Name of the IAS, IPS, Judges/ Judicial Officer	Asset No.	Year of Allotment	Remarks
(1)	(2)	(3)	(4)		(5)
1.	Baramunda Housing Scheme	Binay Kumar Behera, IPS	House No. 16	1992	
2.	Kalinga Nagar Plotted development Scheme (HIG Category)	Sunil Kumar Pattnaik, EX-M.P. Advocate	K8-268	1996	After death of the allottee allotment of plot changed to his son A.K. Pattnaik
3.	-do-	Ramesh Ch. Pradhan, M.L.A.	K8-123	1996	
4.	-do-	Bijay Kumar Nayak	K8-198	1996	
5.	-do-	Ujalsingh Bhatia, IAS	K9B-502	1996	
6.	-do-	Santosh Kumar Sarangi, IAS	K9A-224	1996	
7.	-do-	Alaka Panda, IAS	K8-B	1996	
8.	-do-	JanakDigal,	K8-1182	1996	Allotment

		IAS				charged to Tushar Ranjan Sahu
9.	-do-	Prasanta Kumar Nayak, IAS	K8-204	1996		
10.	-do-	Goutam Kumar Das, IAS	K7-37	1996		
11.	-do-	D.K. Samantaray, IAS	K8-311	1996		
12.	-do-	Ajay Chandra Mohanty, Addl. Spl. Judge (vigilance)	K8-1125	1996		
13.	-do-	G. Mohan Kumar, IAS	K8-72	1996		
14.	-do-	Niranjan Sangal, IAS	K8-112	1996		
15.	-do-	Reena Mitra, IPS	K9B-129	1996		
16.	-do-	Arundaya Swain, IPS	K9B-148	1996		
17.	-do-	Surendranath Tripathy, IPS	K9B-32	1996		
18.	-do-	Sobhana Kumar Pattanaik, IAS	K9B-216	1996		
19.	-do-	Satyajit Mohanty, IPS	K9B-389	1996	Allotment changed to Sanjiv Bhall &	

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					Rajiv Bhalla
20.	-do-	Surath Kumar Dhal, Judge	K9B-78	1996	
21.	Kalinga Vihar   HIG Housing Scheme	Mahamad Ajmal, Judicial Magistrate	House No. 16	1996	
22.	-do-	Satyabrata Sahoo, IAS	House No. 109	1996	
23.	-do-	Suresh   Ch. Mohapatra, IAS	House No. 393	1996	

Sd/-

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List of I.A.S./I.P.S./ Judge/ Judicial Officers allotted Plot under  
D.Q. in Prachi Enclave Plotted Development Scheme Phase-I  
(1990-2000)

Sl No.	Name of the allottee	Designation	Plot No.
1.	Pradeep Kr. Jena	I.A.S.	54
2.	Raj Kr. Sharma	I.A.S.	130(c)
3.	Mikunja Bihari Dhal	I.A.S.	82(a)
4.	Satyajit Mehanty	I.P.S.	73
5.	Visal Kr. Dev	I.A.S.	62 (a)

Sd/-

Allotment Officer (CPIO)  
BDA, BHUBANESWAR

(TRUE COPY)

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ANNEXURE - PB



ODISHA POLICE  
STATE HEADQUARTERS  
CUTTACK.

No. XIN-15-2012/ 9187 MW Date: 25.02.2012  
To

Ms. Jayanti Das,  
Chintamani Nilwas,  
Mahawadi Bazar  
Chandini Chowk,  
Cuttack- 753002.

Ref. } Your petition dt. 10.02.2012 regarding provision of land to the  
& } the NOKs of Police Martyrs who were killed in Naxal attack /  
Sub: } violence



Madam,  
In inviting a reference to your petition and subject cited above, I am directed to state that, Govt. Order regarding allotment of homestead land to the Next of kin of Police personnel who die while discharging their duties in anti-naxalite operation has been implemented w.e.f 05.04.2010. The total death case of 108 Police personnel as intimated to you earlier, was occurred from the year 2001 to 2012. Provision of homestead land is a time consuming process and action is under process for provision of the same to the NOKs of the Martyrs as early as possible. Hence, your allegation in the matter is not correct.  
Information regarding allotment of plots to IPS Officers of Odisha is being sent separately.

Yours faithfully,

A.I.G of Police (Provisioning),  
Odisha, Cuttack.

*Agar*  
Sb/2312

(TRUE COPY)



65  
ANNEXURE-P9

R.T.I URGENT

Government of Odisha  
Revenue & Disaster Management Department.

No. GE(GL)-S-13/12- 12999 RDM, Dated, 24/9/2012

From

Shri P.K. Behera,  
Deputy Secretary to Govt.-cum-PIO.

To

Jayanti Das,  
At-Chintamani Niwas,  
Mahamadia Bazar,  
ChandijChowk,  
Cuttack-753002

Sub: Your R.T.I. application dated 16.1.2012 addressed to Office of the Chief Secretary, Odisha, and letter dated 19.3.2012 addressed to Deputy Secretary to Govt., Revenue & D.M. Department.

Madam,

With reference to the subject noted above, I am directed to say that so far as Revenue & D.M. Department is concerned, there is provision for allotment of Govt. land to Jawans, Ex-Servicemen and Defence Personnel who are landless and to next-of-kin of the Police Personnel of the State Govt. who die while discharging their duties in anti-naxalite of operations. Govt. land is allotted to such persons under the provisions of Govt. Grants Act, 1895. However, there is no such provision like 'Discretionary Quota' in allotment of Govt. land to such persons. Thus, the information required by you under R.T.I. Act, 2005 is not available in Revenue & D.M. Department.  
The R.T.I. application dated 16.1.2012 is disposed off accordingly.

Yours faithfully,

*S* 24/3/12  
Deputy Secretary to Govt.-cum-PIO.

Memo No.

/R&DM., dt.

Copy forwarded to Deputy Secretary to Govt.-cum-Nodal PIO, Revenue & D.M. Department for information and necessary action in continuation to this Dept. Memo No.9160/R&DM, dt.3.3.2012.

Deputy Secretary to Government.

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ANNEXURE P/9

Government of Odisha  
Revenue & Disaster Management Department.

No. GE (GL)-S-13/12

Dated 24.03.2012

From

Shri P. K. Behera,  
Deputy secretary to Govt.-cum-PIO

To,

Jayantii Das,  
At-Chintamani Niwas,  
Mahamadia Bazar  
Chandni Chowk,  
Cuttack-753002

Sub: Your R.T.I. application dated 16.01.2012 addressed to office of the Chief Secretary, Odisha, and letter dated 19.08.2012, addressed to Deputy Secretary to Govt. Revenue & D. M. Department.

Maidam,

With reference to the subject above, i am directed to say that so far as Revenue & D. M. Department is concerned, there is provision for allotment of Govt. land to Jawans, Ex- Servicemen and Defence Personnel who are landless and to next-of-kin of the Police Personnel of the State Govt. who die while discharging their duties in anti-naxalite of operations. Govt. land is allotted to such persons under the provisions of Govt. Grants Act, 1895. However, there is no such provision like 'Discretionary Quota' in allotment of Govt. land to such persons.

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Thus, the information required by you under R.T.I. Act, 2005 is not available in Revenue & D.M. Department.

The R.T.I. application dated 16.01.2012 is disposed off accordingly.

Yours faithfully

Deputy Secretary to Govt-cum-PIO

MemoNo...../R&DM...dt.....copy

forwarded to Deputy Secretary to Govt.-cum-Nodal-PIO Revenue & D.M. Department for information and necessary action in continuation to this Deptt. Memo No. 9160/R&DM, Dt. 03.03.12

Deputy Secretary to Government

(TRUE copy)

ANNEXURE - P110  
68 (copy)

V. C. e. D. A. P. I. 105  
Please examine and  
put up file for allot  
ment of A. S. Plot No:  
13-3/B 11234 being he  
allotted.  
12/8/07

From,  
Binyanand Jha, IPS  
[I. G. of Police, Orissa Cadre]  
At present- Deputy Director,  
Intelligence Bureau,  
Ministry of Home Affairs, New Delhi

To,  
The Honourable Minister,  
Urban Development and Public Enterprises-  
Cum- Chairman, CDA Cuttack

SUBJECT: ALLOTMENT OF A PLOT IN SECTOR 13 OF CUTTACK  
DEVELOPMENT AUTHORITY (CDA) FROM YOUR DISCRETIONARY  
QUOTA

Sir,

Understanding that some plots in sector 13 Of CDA Cuttack  
are lying vacant under your disposal, I pray you to kindly allot me  
a plot of land from your discretionary quota as I do not own any  
land or house in Cuttack or Bhubaneswar and I have decided to  
finally settle in Cuttack. I shall pay the cost of the land in one  
installment and abide by the terms and condition as fixed by the  
CDA.  
I shall remain grateful for the favour in this regard.

Yours faithfully,  
*Binyanand Jha*  
[BINYANAND.JHA]

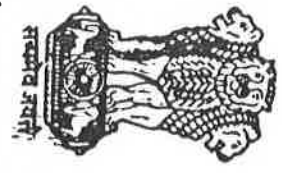
NEW DELHI

*Binyanand Jha*

69

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Office : 0671-304451/306501  
Res : 0671-304662/306607  
FAX : 0671-304033



**STATE POLICE HEADQUARTERS**

GOVERNMENT OF ORISSA  
BUXIBAZAR, CUTTACK-753 001

D.O. No. 1211/R.P.S.

**Shri S. K. Chatterjee, I.P.S.**  
DIRECTOR GENERAL OF POLICE

Dated The 28th September, 2000.

TO

The Chairman,  
Cuttack Development Authority,  
Bhubaneswar.

Sir,

W/-  
C/-

I propose to settle down at Cuttack on my retirement from Government service on 30.04.2001. I have neither any piece of land nor a house anywhere in Orissa. Hence I urgently need a plot of land for construction of a residential house.

I shall be grateful if you kindly consider this application of mine for a plot of land measuring 60' X 40' (2400 Sq.ft.), preferably in Sector-6 of Abhinava Bldgnsi, Cuttack out of your discretionary quota.

Yours faithfully,

( S.K.Chatterjee )  
Director General of Police  
Orissa, Cuttack.

Land of mine

Plot or plot possibly in

present Murala Saha plot or after 31.10.2000  
Corner Plot after Murala Saha  
9.9.2000

**Shri S. K. Chatterjee, I.P.S.**  
DIRECTOR GENERAL OF POLICE

70

Phone Office: 0671-304451/306501  
Res: 0671-304662/306607  
Fax: 0671-304033

**STATE POLICE HEADQUARTERS**  
GOVERNMENT OF ORISSA  
BUXIBAZAR, CUTTACK-753001

D.d. NO. 141/Res.

Dt. 28<sup>th</sup> September, 2000.

To,

The Chairman,  
Cuttack Development Authority,  
Bhubaneswar.

Sir,

I propose to settle down at Cuttack on my retirement from Government service on 30.04.2001. I have neither any piece of land nor a house anywhere in Orissa. Hence I urgently need a plot of land for construction of a residential house.

I shall be grateful if you kindly consider this application of mine for a plot of land measuring 60' X 40' (2400 Sq. ft.), preferably in Sector ~~4~~ of AbhinavBidansasi, Cuttack out of your discretionary quota.

Yours faithfully,

*Sd/-*  
(S.P. Chatterjee)  
Director General of Police  
Orissa, Cuttack

V. C. C. D. A

Dy No. 62/M/11/11

17/12/84 ANNOJ CHHARRADA

Plot no 13-3C/1552 corner  
may be allotted to the applicant  
upto of D. O. No. 13/3/84.

*[Signature]*  
13/3/84.

C-3, HUDCO RANGE  
NEAR ANSAL PLAZA

Minister,  
Urban Development & Public  
Enterprises, Orissa.

NEW DELHI  
10-3-2084.

The Chairman C. D. A

I am an IIS officer of Orissa  
came and present on admission to B.S.F  
in Delhi or D/W.  
I wish to eventually settle in  
Orissa in the office headquarters in broad  
area. I got low and residential plot  
in Orissa. I therefore request you to  
kindly allot me a corner plot out of your  
discretionary quota in and show on printed

*[Signature]*  
Dy. C. C. A.

*[Signature]*  
Secretary

72

MANOJ CHHABRA

IPS

C-3, HUDDCO PLACE

NEAR ANSAL PLAZA

NEW DELHI

10.03.2008

To,  
The Chairman,  
Cuttack Development Authority  
Bhubaneswar.

Sir,

I am an I.P.S. officer of Orissa cadre and presently on  
deputation to B.S.F. in Delhi in as DIG.

I wish to eventually settle in Cuttack as the police headquarters  
in based there. I did not have carry residential plot in Cuttack. I  
therefore respect for to kindly allot me a corner plot out of your that  
discretionary quota in any Sector on priority basis.

I will be grateful.

Your Sincerely

(Manoj Chhabra )

I.P.S. DIG B.S.F.

TRUE TYPES COPY



73

From

Sudhanshu Sarangi, IPS,  
D.I.G. of Police,  
S.O.II, Reserve Police Lines,  
Near Samaj Office,  
Buxi Bazar, Cuttack-1

To

The Hon'ble Minister Urban Development,  
Orissa

Sub: Allotment of Plot in Bidanasi from Discretionary Quota

Sir,

The undersigned acknowledges with gratitude allotment of Plot No 11-2C-780/6 in Sector 11 of Bidanasi from your discretionary quota. The plot, besides being of an irregular shape, is located behind a row of houses and connected by a narrow road. I will be grateful if the allotment is cancelled and instead I am allotted Plot No. B/1293 in Sector 13. I further request that the allotment may kindly be made in favour of my wife Nandini Sarangi.

Yours faithfully,



Sudhanshu Sarangi  
Sudhanshu Sarangi 12.06.07

(TRUE COPY)

JUSTICE LAXMIKANTA MOHAPATRA  
Judge, Orissa High Court



STONEY ROAD,  
CHANDINI CHOWK,  
Ph 2607656 (Of)  
2608432 (Res)  
2607818 (Res)

October 11, 2006

To

The Chairman,  
Cutback Development Authority,  
Arunadoya Market,  
Link Road, Cutback

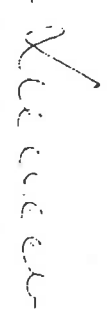
Sub: Allotment of land.

Sir,

I understand that some plots of land of Cutback Development Authority are available for allotment to individuals within Cutback Municipal Area. I have no land at Markat Nagar, Abhinaba Bidanasi, Cutback either in my name or in the name of any of my family members.

I, therefore, request you to allot a 'B' category plot in Sector-11, C.D.A., Abhinaba Bidanasi, Cutback in my favour for the purpose of construction of residential house. I am prepared to deposit the requisite amount for allotment of such land.

Yours sincerely,

  
(L. Mohapatra)



75  
Stoney Road  
Chandani Chowk  
Ph: 2607656(off)  
2608432(Res)  
2607818(Res)

HIGH COURT OF ORISSA

JUDGE LAXMIKANTA MOHAPATRA

Judge, Orissa High Court

Date: October 11, 2006

To,

The Chairman

Cuttack Development Authority,

Aurnadoya Market

Link Road, Cuttack

Sub: Allotment of land.

Sir,

I understand that some plots of land of Cuttack Development Authority are available for allotment to individuals within Cuttack Municipal Area. I have no land at market Nagar, Abhinaba Bidanasi, Cuttack either in my name or in the name of any of my family members.

I, therefore request you to allot a 'B' category plot in Sector-II, C.D.A., Abhinaba Bidanasi, Cuttack in my favour for the purpose of construction of residential house. I am prepared to deposit the requisite amount for allotment of such land.

Your Sincerely,

Sd/-

(L. Mahapatra)

76



V.C.E.D.A.  
 Please examine and  
 certify  
 13/9/05  
 9685  
 23/8/05  
 62

From:

Mrs. Shree Parichha,  
 W/o. Justice A.K. Parichha,  
 C.B. No.6, Cantonment Road,  
 Cuttack.

Date: 23.8.2005.

Minister,  
 Development Public Enterprises  
 ORISSA.

Sub: Allotment of a plot in Market Nagar, Abhinaba Bidanasi,  
 Cuttack.

To

*SM/9*  
 The Vice Chairman,  
 Cuttack Development Authority,  
 Arunodaya Nagar, Link Road,  
 Cuttack.

Sir,

I am to state that my husband is a sitting Judge of the High Court of Orissa and we desire to stay at Cuttack after his retirement. We have no land in Cuttack. If a land in Market Nagar, Abhinaba Bidanasi, Cuttack is allotted in my favour, we can utilize the same for residential purpose only.

Therefore, I request you kindly allot a plot in Market Nagar, Abhinaba Bidanasi, Cuttack, preferably in Sector-11 in a discretionary quota on usual price fixed by the Authority in my favour to use the same for residential purpose.

Thanking you,  
 Yours faithfully,  
*Shree Parichha*  
 ( Shree Parichha )

Dy No. 5896

११

VC CDA- Please examine and put up sd/- 13/09/05

S.d. estate sd/- 23.09.05

From:

Date: 23.08.2005

Mrs. Shree Parichha,

W/o Justice A. K. Parichha

C.B. No.6, Cantonment Road,

Cuttack,

Sub: Allotment of a plot in Market Nagar, Abhinaba  
Bidanasi, Cuttack.

To,

The Vice Chairman,

Cuttack Development Authority,

Arunodaya Nagar, Link Road,

Cuttack.

Sir,

I am to state that my husband is a sitting Judge of the High Court of Orissa and we desire to stay at Cuttack after his retirement. We have no land in Cuttack. If a land in Market Nagar, Abhinaba Bidanasi, Cuttack is allotted in my favour, we can utilized the same for residential purpose only.

Therefore, I request you kindly allot a plot in Market Nagar, Abhinaba Bidanasi, Cuttack preferably in Secor-11 in a discretionary quota on usual price fixed by the Authority in my favour to use the same for residential purpose.

Thanking you.

Yours faithfully

Sd/-

(Shree Parichha)

Sec 108-13

78

JUSTICE NITYANANDA PRUSTY



V.C. CDA  
Please contact "NANDLOK"  
Deevanranga Lane,  
Stoney Road Extn,  
Dagarpada  
Cutack - 753 002, Orissa  
Phone : 2363615 (R)  
2363140 (O)  
ORISSA.

Dated the 26th July, 2007

To  
The Hon'ble Minister  
Housing and Urban Development Department &  
Chairman Cutack Development Authority,  
Cutack.

(Through Vice Chairman, Cutack Development Authority)

*N. Prusty*  
*9/18*

Sir,  
I do not have any plot in CDA (Sector Areas). After my retirement, I desire to settle in the Sector Area.

Kindly allot me a suitable 'B' category Plot, preferably at Sector 13, out of discretionary quota.  
I am ready and willing to pay the price of the plot at the rate fixed by the Cutack Development Authority.

Thanking you,

Yours Sincerely,  
*[Signature]*  
(JUSTICE NITYANANDA PRUSTY)

*[Handwritten signature]*  
*9.7.07*

29  
"ANDANDLOK"

Jeevanranga Lane  
Stoney Road Ext.  
Dagarpada  
Cuttack-753002, Orissa  
Phone: 2363615(R)  
2608140(O)

Sd/-09.08.2007  
Plot No. 13-3-B-880  
Please put up sd/- 09.08.07

HIGH COURT OF ORISSA  
JUSTICE NITYANANDA PRUSTY

Dated:26<sup>th</sup> July, 2013

To,

The Hon'ble Minister

Housing and Urban Development Department, and  
Chairman Cuttack Development Authority,

Cuttack.

(Through Vice Chairman, Cuttack Development at Authority)

Sir,

I, do not have any plot in CDA (Sector Areas), After my retirement, I desire to settle in the sector area.

Kindly allot me a suitable 'B' category allot, preferably at Sector 13, out of discretionary quota.

I am ready and willing to pay the price of the plot at the rate fixed by the Cuttack, Development Authority.

Thanking you,

Your Sincerely  
Sd/-  
(JUSTICE NITYANAND PRUSTY)

80

~~1086/ment~~

*Handwritten initials*

V.C. CDA  
Please allot Plot No. 1  
to B/B 42 out of D. & G  
The applicant and put yr  
fill for make.

115

*Handwritten signature*  
2/8/09

Director  
Public Enterprises  
ORISSA

To  
The Chairman,  
Cuttack Development Authority,  
Arunadaya Nagar, Cuttack.

(Through Vice-Chairman)

Sub: Allotment of a "B" category plot in the  
Abhinaba Bidanasi Project Area.

Dear Mr. Singdeo,

I have earlier requested your good-self to allot me a  
"B" category plot in Abhinaba Bidanasi Project Area preferably in  
Sectors-6,7,8 and 9 from your discretionary quota. I am willing  
to have a plot in Sector-10 also on payment of the price at the  
rate fixed by the C.D.A.

In case of allotment of a "B" category plot in my favour, as  
already stated in my earlier letter, the "C" category plot along  
with structure which stands in the name of my wife, will be  
disposed of by way of third party transfer with due permission of  
the C.D.A.

I will be thankful, if the above request is considered  
at your end.

Thanking you.

Cuttack

Date: 2/8/09

Yours sincerely,

*Handwritten signature*

(Justice M.M. Das)  
C.B. No.2, Cantonment Road,  
Cuttack.

2/8/09



(8)

VC CDA- Please allot Plot No. 10-3B/842 out of DQ to the applicant and put up file for \_\_\_\_\_ Sd- 12/08/07

To,

The Chairman,  
Cutack Development Authority,  
Arunadoya Nagar, Cutack.  
(Through Vice-Chairman)

Sub: Allotment of a 'B' category plot in the Abhinaba Bidanasi Project Area.

Dear Mr. Singdeo,

I have earlier requested your good-self allot me a 'B' category plot in Abhinaba Bidanasi Project Area preferably in Sectors -6,7,8 and 9 from your discretionary quota. I am willing to have a plot in Sector-10 also on payment of the price at the rate fixed by the C.D.A.

In case of allotment of a 'B' category plot in may favour, as already stated in my earlier letter, the 'C' category plot along with structure which stands in the name of my wife, will be disposed of by way of third party transfer with the permission of the C.D.A.

I will be thankful, if the above request is considered at your end.

Thanking you.

Place: Cutack

Your Sincerely

Date: 27.07.2007

Sd/-

(Justice M. M. Das )



JUSTICE P. K. MOHANTY

HIGH COURT  
CUTTACK

DECEMBER 29, 1999

82

To

The Hon'ble Minister,  
Housing and Urban Development  
Department, Government of Orissa,  
Bhubaneswar

Sir,

I am in need of a plot of land in Sector-VIII of Abhinaba Bidanasi developed by the Cuttack Development Authority, Cuttack, since I do not have a plot of my own in Cuttack town, excepting the ancestral joint family paternal house.

I would, therefore, request that a 'B' type Corner plot at Abhinaba Bidanasi in sector-VIII may kindly be allotted in my favour on payment of usual rates.

Thanking you.

Sincerely Yours,

( P. K. MOHANTY )

(TRUE COPY)

83  
ANNEXURE-PIN (copy)

By speed post

BHUBANESWAR DEVELOPMENT AUTHORITY  
BHUBANESWAR

No. 17015 (69) /BDA., Bhubaneswar, Date 02.08.2012  
MIS (RTI) 35/2012

To  
Smt Jayanti Das  
At-Chintamani Niwas,  
Mohamadia Bazar, Chandini Chawk,  
Cuttack-2

Sub: -supply of required information/documents as per provision of RTI Act-05.

Sir,

With reference to your RTI application dtd.07.07.2012 on the above noted subject, I am to enclose herewith the reply received from the concerned P.I.Os relating to the information sought by you.

Encl: - PIO, Allotment-I: 11 pg.  
PIO, Allotment-II: 7 pg.  
Total: **18 pgs**

Yours faithfully,

  
Manager, MIS-cum-  
Nodal Officer, RTI

Memo No. \_\_\_\_\_ /BDA, Bhubaneswar Date \_\_\_\_\_

Copy forwarded to PIO-cum-Deputy Secy to Govt, H & U.D Deptt.  
for information and necessary action with reference to letter  
No.19091/HUD,dtd.06.07.2012.

Manager, MIS-cum-  
Nodal Officer, RTI

84

To

The Hon'ble Minister Urban Development  
and Chairman, Bhubaneswar Development  
Authority, Bhubaneswar.

Subject:- Allotment of plot at Chandrasekharpur Plotted  
Development Scheme from discretionary quota.

Sir,

I came to know from a very reliable source that plots measuring an area of 2400 sqft. will be sold by BDA. The plots are located at Chandrasekharpur. I have no land in Bhubaneswar Municipal area recorded either in my own name or in the name any of my family members. I belong to Indian Administrative Service and am presently working as Collector of Sundargarh district. I urgently require a piece of land at Bhubaneswar as for the most part of my career I will be posted at Bhubaneswar.

Hence I would request you to kindly allot a plot to me out of your discretionary quota at Chandrasekharpur. I am ready to pay the usual charges demanded by BDA.

With kind regards.

Yours faithfully,

Nikunja Chel

(Nikunja Bihari Dhal),  
IAS

Collector & D.M.,  
Sundargarh  
(Orissa)

PERMANENT ADDRESS

C/o-Dr. P.M. Singh, MS  
Hathrasahi  
BHADRAK-756100



To,

85

The Hon'ble Minister Urban Development and Chairman,  
Bhubaneswar Development Authority Bhubaneswar.

Sub:- Allotment of plot at Chandrasekharpur Plotted Development  
Scheme from discretionary quota.

Sir,

I came to know from a very reliable source that plots measuring an area of 2400 sq. ft. Will be sold by BDA. The Plots are located at Chandrasekharpur. I have no land in Bhubaneswar Municipal area recorded other in my own name or in the name any of my family members. I belong to Indian Administrative Service and am presently working as Collector of Sundargarh District. I urgently require a piece of land at Bhubaneswar as for the most part of my career I will be posted at Bhubaneswar.

Hence, I would request you to kindly allot a plot to me out of your discretionary quota at Chandrasekharpur. I am ready to pay the usual charges demanded by BDA.

With kind regards.

Yours Faithfully

Sd/-

(Nikunja Bihari Dhal)

I.A.S., Collector & D.M. Sundargarh(Oriッサ)

Permanent Address:

C/o- Dr. P. M. Singh, MS

Mathasahi

Bhadrak- 756100

RAJ K. Sharma, I.A.S.  
District Magistrate & Collector,  
Jharsuguda - 768 204  
(Orissa)



ଢ଼ିଶା ସରକାର

୧୬  
☐: (06645) 70070 (O)  
70868 (R)  
70868 (Fax)

No. 5 /Per.

Date Aug. 23, 2000.

To.

SHRI SAMIR DEY,  
Hon'ble Minister,  
Urban Dev. Deptt. &  
Chairman,  
Bhubaneswar Dev. Authority,  
Bhubaneswar.

Sub: -  
ALLOTMENT OF PLOT IN CHANDRASEKHARPUR  
PLOTTED SCHEME OF BHUBANESWAR DEVELOP-  
MENT AUTHORITY FROM DISCRETIONARY QUOTA.

Sir,

I understand that a plotted development  
scheme is being started in Chandrasekharpur .

In this regard, I am to say that I do not  
have any plot or house in Bhubaneswar Municipal area in  
my name or name of my spouse or any close relative. I am  
interested in buying a plot in order to enable me to  
construct a house for my residential purpose.

I would be obliged if you could kindly  
allot a plot out of discretionary quota to me in the  
Chandrasekharpur plotted scheme of the Bhubaneswar Dev. -  
Authority.

Thanking you in anticipation,

Yours faithfully,

Dt. the 23rd Aug. 2000.

  
( RAJ KUMAR SHARMA, IAS)

87

Ph: (06645) 70070

70868

70868 (fax)

Raj K. Sharma, I. A. S.

Dated: 23.08.2000

District Magistrate & Collector

Jharsuguda- 786204

(Orissa)

To,

SHRI SAMIR DEY,

The Hon'ble Minister, Urban Deptt. &

Chairman, Bhubaneswar Dev. Authority, Bhubaneswar

Sub:- ALLOTMENT OF PLOT IN CHANDRASEKHARRUR  
PLOTTED SCHEME OR BHUBANESWAR DEVELOPMENT  
AUTHORITY FROM DISCRETIONARY QUOTA.

Sir,

I understand that a plotted development scheme is being started in Chandrasekharpur.

In this regard, I am to say that I do not have any plot or house in Bhubaneswar Municipal area in my name or name of my spouse or any close relative. I am interested in buying a plot in order to enable me to construct a house for my residential purpose.

I would be obliged if you could kindly allot a plot out of discretionary quota to me in the Chandrasekharpur plotted scheme of the Bhubaneswar Dev. Authority.

Thanking you in anticipation,

Yours faithfully

Dt The 23<sup>rd</sup> Aug ' 2000

(Raj Kumar Sharma)

IAS

88

**Cuttack Municipal Corporation  
Cuttack**

Letter No. 4276      date 29.6.2015

From  
Vishal Dev, IAS  
Chief Executive

To  
The Hon'ble Minister,  
Urban Development, P.G. & P.A, Govt. of Orissa,  
cum Chairman, Bhubaneswar Development Authority.

Subject : Allotment of a plot in Chandrasekharpur, Bhubaneswar.

Sir,

With reference to the above mentioned subject, I would request you to kindly allot a plot out of your discretionary quota in my favour in Chandrasekharpur developed plotted scheme, Bhubaneswar.

I shall remain grateful to you for this kind act of yours.

Thanking You,



Yours faithfully,

  
29.6.2015  
(Vishal Dev)



**Cuttack Municipal Corporation**

85

**Cuttack**

Letter No. 4276. Date 29.06.2000

From

Vishal Dev, IAS

Chief Executive

To,

The Hon'ble Minister

Urban Development, PG & PA Govt. of Orissa

Cum Chairman, Bhubaneswar Development Authority

Subject: Allotment of a plot Chanrasekhpur, Bhubaneswar

Sir,

With reference to the above mentioned subject, I would request you to kindly allot a plot out of your discretionary quota in my favour in Chandrasekharpur developed plotted scheme, Bhubaneswar.

I shall remain grateful to you for this kind act of yours

Thanking you,

Yours Faithfully

Sd/-/ 29.06.2000

(Vishal Dev)

To

The Hon'ble Chairman,  
Bhubaneswar Development Authority,  
Bhubaneswar.

Sub:- Allotment of plot under Discretionary quota.

Sir,

Neither I nor any of my family members possess a residential plot in Bhubaneswar master plan area. I came to know from reliable sources that some plots are going to sold by your organisation in C.S.Pur area. As I urgently need a plot to built a house of my own I would obliged if you allot a plot in my favour from your discretionary quota.

Yours faithfully,

( Satyajit Mohanty  
I.P.S. )  
S.P., Cuttack.

91

To

The Hon'ble Minister,  
Urban Development, Public Grievance  
and Pension Admn. and  
Chairman, Bhubaneswar Dev. Authority,  
Bhubaneswar.

Sub:-

Allotment of a plot having an area 2400 sq. ft.  
in Chandrasekharpur Plotted Development Scheme  
from the discretionary quota of the Hon'ble  
Minister.

S i r,

I do not own any plot within the limits  
of Bhubaneswar Development Authority either in my  
name or in the name of my wife. A suitable plot  
preferably of area 2400 sq. ft. may please be  
allotted to me in the Plotted Development Scheme  
at Chandrasekharpur from your discretionary quota.

Yours faithfully,

( *P.K. Jena* )  
COLLECTOR, CUTTACK.

*M. 7.12*

92

18/11

SHRI SAMIR DEY

MINISTER

Urban Development and P.G. & P.A.,  
Orissa



Office - 407965  
Phone : { Residence - 419742  
627545

D.O. No. 451/MVDP/92

BHUBANESWAR

Date: 5.2.00

CONFIDENTIAL

*Samir*  
*AC*  
VICE-CHAIRMAN,  
BHUBANESWAR DEV. AUTHORITY.

I am enclosing herewith the request

letter of Sri P.K.Jena, IAS, Collector, Cuttack for allotment of a plot in Chandrasekharpur plotted development scheme from my discretionary quota. He may be allotted with a plot at Chandrasekharpur plotted development scheme from my discretionary quota. The plot should be having an area of 2400 sft.

MINISTER, UD AND PG & PA

*Samir*  
19.5.00

19.5.00  
P.R. Biswal  
Urgent  
19.5.00

*Samir*

19.5.00  
19.5.00

93

Phone: {office- 407965

Residence- 419742

427545

DO No. 451/MUDDPGPA

Bhubaneswar

Date: 05.05.2000

CONFIDENTIAL

SHRI SAMIR DEY

Minister, UD and PG & PA

Orissa

Vice-Chairman,

Bhubaneswar Dev. Authority.

I am enclosing herewith the request letter of Sri P.K.Jena, IAS, Collector, Cuttack for allotment of a plot in Chandrasekharpur plotted development scheme from my discretionary quota. He may be allotted with a plot at Chandrasekharpur plotted development scheme from my discretionary quota. The plot should be having an area of 2400 sq. ft.

Sd/- 05.05.2000

MINISTER UD AND PG & PA

File Notings:

PB Biswas/ Urgent

Etc.

94

D, No. 1112 MBDR  
15/11/07

9

(3) [Signature] (64)

V.C. B.D.A  
P. examine & put of  
in file for allotment

[Signature]  
Minister  
Urban Development Public Enterprises  
ORISSA

From  
Justice S.K. Mohanty,  
Chairman, Regional Imbalance Enquiry Commission,  
Planning & Co-ordination Department, Secretariat.  
Mob. 94372.87711

To  
Hon'ble Sri K.V. Singh Deo,  
Minister, Urban Development & Public Enterprises,  
Government of Orissa.

Sir,  
Being aged 75 years I am very much in need to reside in a  
calm locality with good hospital facility nearby, in the capital city. For  
this purpose I applied (Regn.No.00234/07) to B.D.A. for allotment of  
one H.I.G. Duplex flat in Netaji Subhas Enclave. But unfortunately  
I could not succeed in the lottery held for the purpose.  
I will be highly obliged if one unit of H.I.G. Duplex flat in  
said Enclave is allotted in my favour from the discretionary quota.

Yours faithfully,  
S.K. Mohanty  
(Justice S.K. Mohanty)  
16.11.2007

[Signature]

95

**Sanjay Kumar Singh, I.A.S.**

COLLECTOR & DISTRICT MAGISTRATE

GRANAM



*G. CR Park*

STD 06811  
Off. 263700  
Res. 263800  
FAX. 263344

*24.2.25*

No. .... / Res  
Dated: 6 / 01 / 2005

The Hon'ble Minister,  
Urban Development,  
Orissa, Bhubaneswar,

Subject: Allotment of a core house under Ananta Vihar Phase-2 scheme  
Out of discretionary quota - requested.

Sir,

I have applied for allotment of a core house under Ananta Vihar Phase-2 scheme and my application No is 408. In this regard I would like to bring to your kind notice that I do not have any residential house either at Bhubaneswar or in any part of Orissa. I would like to settle in Bhubaneswar and for the same I need a house I would therefore request you to allot a core house under Ananta Vihar Phase-2 scheme in my favour out of your discretionary quota. The required amount has already been deposited by me at the time of submitting the application.

I shall be obliged to you for the same.

Yours faithfully,

(S.K. Singh)

For Kind action  
of  
Vice-Chairman, BDA  
Bhubaneswar

96

Sanjay Kumar Singh, I. A.S.

Ph Nos:

Collector and District Magistrate

.....(illegible)

No...../Res

Dated 06/01/2005

To,

The Hon'ble Minister,

Urban Development,

Orissa, Bhubaneswar

Sub:- Allotment of a core house under Vihar Phase-II scheme out of discretionary quota-requested.

Sir,

I have applied for allotment of a core house under Ananta Vihar Phas-2 scheme and my application No. is 408. In this regard I would like to bring to your kind notice that I do not have any residential house either at Bhubaneswar or in any part of Orissa. I would like to settle in Bhubaneswar and for the same I need a house. I would therefore request you to kindly allot a core house under Ananta Vihar Phase-2 scheme in my favour out of your discretionary quota. The required amount has already been deposited by me at the time of submitting the application.

I shall be obliged to you for the same.

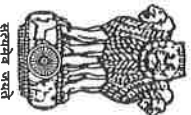
Yours faithfully

Sd/-

(S. K. Singh)



M. Samal,  
OF PARLIAMENT  
(NVA SABHA)



Bhubaneswar,  
Dt-14.2.02

To  
The Vice-Chairman,  
B.D.A., Bhubaneswar.

Sub:- Allotment of HIG Duplex House No.256,  
Baramunda Housing Complex, Bhubaneswar.

Sir,

With reference to your letter dated 16.1.2002 received by me on 12.2.02, I am to say that I have been asked to deposit a sum of Rs.10.775 Lakhs by 16.2.02 in respect of allotment of HIG Duplex House No.256, Baramunda Housing Complex, Bhubaneswar. It is not possible on my part to deposit such a huge amount within a very short period.

I would, therefore, request you to kindly allow me to deposit the said amount on interest-free instalment basis within 3 months.

With regards.

Yours faithfully,  
M Samal  
(M.M.Samal)

2  
r  
zon

98

M. M. Samal

Member of Parliament

(Rajya Sabha)

Bhubaneswar

Dt- 14.2.02

To,

The Vice-Chairman,

BDA, Bhubaneswar

Sub:- Allotment of HIG Duplex Baramunda Housing Coomplex,  
Bhubaneswar.

Sir,

With reference to your letter dated 16.01.2002 received by me on 12.02.2002, I am to say that I have been asked to deposit a sum of Rs. 10,775 lakhs by 16.02.2002, in respect of allotment of HIG Duplex House No. 256, Baramunda Housing Complex, Bhubaneswar. It is not possible on my part to deposit such a huge amount within a very short period.

I would, therefore, request you to kindly allow me to deposit the said amount on interest-free instalment basis within 3 months.

With regards.

Yours faithfully

Sd/-

(M.M. Samal)



2786/M.C. -  
11.6.01

Dy. No. 2193 / MUDPA/27/01

Dt- 10/9/2001

The Hon'ble Minister,  
Urban Development, Public Grievance  
& Pension Administration,  
Orissa.

S. B. R. Pattnaik

Allotment of a Core House at Baramunda, 18/9/01.  
in favour of Shri Rathindra Nath Padhi.

8237  
10.9.01  
Allotment Sir,

Sub: With due respect I beg to say that I am working as Additional Secretary to Government, Works Department since 04.5.2001. I am a permanent resident of Bolangir and I want to settle at Bhubaneswar after my retirement from Government service with effect from 31.8.2005. I do not have any land or house at Bhubaneswar either in my name or in the name of any member of my family.

It is learnt that the Bhubaneswar Development Authority is constructing 14 nos. of HIG Core Houses at Baramunda. The houses are under construction and are likely to be completed soon.

I, therefore, request you to kindly allot one of the newly constructed HIG Houses, preferably Plot No. 259, in my favour with usual cost from your discretionary quota for which act of your kindness I shall ever remain grateful to you.

Bhubaneswar  
Yours faithfully  
13/8/01

(R. N. Padhi)  
Additional Secretary to Government  
Works Department,  
Orissa.

Urban Development  
& P.A., Orissa

C BDA  
A core house  
at Baramunda  
may be allotted  
to you R.N.Padhi  
Attache. Works  
Dept. from my  
discretion.  
R.N.Padhi

To,

107

The Hon'ble Minister,  
Urban Development, Public Grievance  
& Pension Administration,  
Orissa.

Sub:- Allotment of a Core house at Baramunda in favour of Sh.  
Rathindra Nat Padhi.

Sir,

With due respect I beg to say that I am working as Additional Secretary to Government, works Department since 04.05.2001. I am a permanent resident of Solangir and I want to settle at Bhubaneswar after my retirement from Government service with effect from 31.08.2013. I do not have any land or house at Bhubaneswar either in my name or in the name of any member of my family.

It is learnt that the Bhubaneswar Development Authority is constructing 14 nos. of HIG Core Houses at Baramunda. The houses are under construction and are likely to be completed soon.

I, therefore, request you to kindly allot one of the newly constructed HIG Houses, preferably Plot No. 259, in my favour with usual cost from your discretionary quota for which act of your kindness. I shall ever remain grateful to you.

Bhubaneswar,

Yours faithfully

Dated:

Sd/- 13/08/2001

(R. N. Padhi)

Additional Secretary to Government  
Works Department, Orissa

161

File Noting:

BDA: A core house at Baramuda may be allotted to Sri R. N. Padhi,  
Addl. Secretary to govt. works Department from my Discretionary  
Quota.

Sd/- 02.09.01

Minister

Urban Development

PG & PA, Orissa

102

To

The Hon'ble Chairman,  
Bhubaneswar Development Authority,  
Bhubaneswar.

Sub:- Allotment of house under Discretionary quota.

Sir,

I came to know from reliable sources that some houses are going to be constructed within Baranwada Housing Scheme by Bhubaneswar Development Authority. I have no house or land within Bhubaneswar Municipal area. I want to settle at this place.

I would request to you that a house under discretionary quota may kindly be allotted in my favour. I am aside all the terms and conditions of BDA and I will pay the cost as will be demanded by the authority.

Yours faithfully,

ଅନିଲ କୁମାର ମହାପାତ୍ର

ଅନିଲ କୁମାର ମହାପାତ୍ର (M.S)

CATAM SEET BAG 54)  
RAIPUR (M.P)

File no.

2

To,

153

The Hon'ble Chairman

Bhubaneswar Development Authority,

Bhubaneswar.

Sub:- Allotment of house under Discretionary quota.

Sir,

I came to know from reliable sources that some houses are going to be constructed within Barmunda Housing Scheme by Bhubaneswar Development Authority. I have no house or land within Bhubaneswar Municipal area. I want to settle at this place.

I would, request to you that a house under discretionary quota may kindly be allotted in my favour. I am abide all the terms and conditions of BDA and I will pay the cost as will be demanded by the authority.

Yours faithfully

(Atamjeet Bagga)

Sd/-

Raipur (M.P.)

104

To

The Chairman,  
Bhubaneswar Development Authority  
Bhubaneswar.

Sub:-

Allotment of HIG House in Kalinga Nagar  
Area.

Sir,

With reference to the subject indicated  
above, I am to request you to kindly allot a house/  
plot in Kalinga Nagar Area from your priority quota.

It is submitted that, I don't have any  
land or house within Bhubaneswar Municipal limits.  
My case may favourably be considered as soon as  
possible so as to enable me to apply for Govt. loan  
to pay the instalments, as applicable.

Yours faithfully.

Bhubaneswar.

Dt. 31.5.96.

Mohammed Afzal  
( MOHAMMED ASMAL )  
Judicial Magistrate  
Umerkote- 764073.  
Nawrangpur.

4 office

10/10/96

10

28

10



To,

105

The Chairman

Bhubaneswar Development Authority,

Bhubaneswar.

Sub:- Allotment of a HIG house under Kalinga Nagar Areas.

Sir,

With reference to the subject indicated above, I am to request you to kindly allot a house/ plot in Kalinga Nagar Area from your priority quota.

It is submitted that, I don't have any land or house within Bhubaneswar Municipal limits. My case may favourably be considered as soon as possible so as to enable me to apply for Govt. loan to pay the instalments, as applicable.

Bhubaneswar,

Yours faithfully

Dated:31.05.1996

Sd/-

(Mohammed Ajmal)

Judicial Magistrate

Umerkate-

1640703

Nawrangpur.

106

To,  
The Hon'ble Minister, Urban Development,  
Orissa, Bhubaneswar, &  
Chairman,  
Bhubaneswar Development Authority,  
Bhubaneswar.

Sub:- Allotment of a HIG house under Kalinga Nagar Housing  
Scheme from discretionary quota

Sir,

I am a govt. Servant and now working as Collector and  
D.M. of Puri District. Although I belong to ..... district. I have  
decided to settle down at Bhubaneswar. I do not have any  
homestead land or building in Bhubaneswar and any part of the  
state. I came to know that some of the HIG Core houses on  
BDA's Kalinganagar scheme has fallen vacant. Hence I would  
request you to be kind enough to allot one HIG-Core house at  
pre-revised rate so that I shall remain her grateful to you.

Your Sincerely

Sd/-

Suresh Ch. Mahaptra

IAS

Collector & D.M. Puri district

14/8/96  
14/5/96

BE  
26

Please put up in file  
TO M  
13/5/96

The Hon'ble Minister of State,  
Urban Development and Chairman,  
Bhubaneswar Development Authority,  
Bhubaneswar.

Sub:-  
Allotment of a HIG house under Kalinga  
Vihar Housing Scheme from discretionary  
quota.

Allotment officer  
SIR,  
13/5/96

I may kindly be allotted with a HIG house  
under the Kalinga Vihar Housing Scheme from your  
discretionary quota as I have no house of my own at  
Bhubaneswar and I plan to settle at Bhubaneswar in  
the future.

Thanking you,

Yours faithfully,

*Delu*  
13/5/96  
SATYABRATA SAHU  
IAS  
A.D.M., Nua padar  
ORISSA

Preference  
House No. 109 (Corner)

Copy to Vice-Chairman, BDA for information  
and necessary action.

*Amber*

To,

108

The Hon'ble Minister of State,  
Urban Development, &  
Chairman,  
Bhubaneswar Development Authority,  
Bhubaneswar.

Sub:- Allotment of a HIG house under Kalinga Vihar Housing  
Scheme from discretionary quota

Sir,

I may kindly be allotted with a HIG house under the Kalinga  
Vihar Housing Scheme from your discretionary quota as I have  
no house of my own at Bhubaneswar and I plan to settle at  
Bhubaneswar in the future.

Thanking you,

Date: 13.05.1996

Yours faithfully

Sd/-

(Satyabrata Sahu)

IAS, A.D.M. Nuapada, Orissa

Preference: House No. 109 (Corner)

Copy to Vice-Chairman, BDA for information for necessary action.

File Notings:

Please put upon file. Sd/- 13/05/96

Allotment officer Sd/- 14/05/96

109

(Handwritten initials)

From

Shri Binoy Behera, I.P.S.,  
Superintendent of Police, Puri.

To

The Hon'ble Minister for Works, Housing &  
Urban Development-cum-Chairman, Bhubaneswar  
Development Authority.

Sub:-

Allotment of a house in Baramunda H.I.G. Scheme  
under your discretionary quota.

Sir,

I have been allotted a house from Bhubaneswar  
Development Authority in the above mentioned scheme. But  
unfortunately the house is located at a very inconvenient  
place and will not be suitable for my accommodation.

Therefore, I would request you to kindly allot  
a house under the said scheme from your discretionary quota.  
With kind regards,

Yours faithfully,

(Binoy Behera)

20/4

No. 644 CR/20/13 HUD  
21-4-93  
De. 20-4-1993.

ACCC  
20/4/93  
N. Sub  
Works, Housing & Urban  
Development, Oriss

21/4/93

Allotmt.

From

110

Shri Binoy Behera, I.P.S.  
Superintendent of Police, Puri.

To,

The Hon'ble Minister for works, Housing &  
Urban Development-cum-Chairman, Bhubaneswar  
Development Authority.

Sub:- Allotment of a house in Baramunda HIG scheme  
under your discretionary quota.

Sir,

I have been allotted a house from Bhubaneswar  
Development Authority in the above mentioned scheme. But  
unfortunately the house is located at a very inconvenienced  
place and will not be suitable for my accommodation.

Therefore, I would request you to kindly allot a house  
under the said scheme from your discretionary quota.

With kindly regards.

Dated 20.04.1993

Yours faithfully

Sd/- 20/4

(Binoy Behera)

File Noting: BDA: This may be allotted out of discretionary quota  
preferable at the \_\_\_\_\_ site if it is possible. Sd/- 20/04/93 Minister,  
Works, Housing & Urban Development, Orissa.

(TRUE COPY)

1288 V1 17/3/08

Please allot plot  
No:- 13-26928 in  
Sector 13 out of D.R

10/1  
18/1/08

To  
The Hon'ble Minister,  
Urban Development & Public Enterprises, Orissa,  
Bhubaneswar.

Minister,  
Urban Development Public  
Enterprises, Orissa.


Sub: Allotment of residential plot in Cuttack.

Sir,

Respectfully, I am to state that, I do not have any residential plot within Cuttack Municipal limits. I am to request that a residential plot of C/D category in sector-13, CDA may kindly be allotted to me from your good self's discretionary quota. In case 'C' category is available later, the same may kindly be allotted to me. This would not be ~~greatly~~ Thanking you, exchange of plot.

Yours faithfully,

Cuttack,  
17.01.08.

  
(Mohammed Ajmal)  
Civil Judge Sr. Division  
Patnagarh-767025  
Bolangir



Dy No. 567 / MDDPE  
dt. 15.5.08

U. C. D. H.  
Please allot plot no 13-  
2-D/345 corner in secty  
13 CDH.

*[Signature]*  
15/5/08.

U

From  
Sri Gyana Ranjan Purohit, O.S.J.S. (S.B.)  
Judicial Member-I,  
Orissa Sales Tax Tribunal, Cuttack.

To  
Shri Kanak Vardhan Singh Deo,  
Hon'ble Minister, Urban Development & PE,  
Govt. of Orissa, Bhubaneswar.

Sub: Allotment of a plot at Abhinav Bidanasi, under CDA, Cuttack.  
Sir,

With due respect I am to say that I am an Officer of Orissa Superior  
Judicial Service (Senior Branch) and at present on deputation to Finance  
Department. I am a native of Patnagarh, in the district of Bolangir having  
no homestead plot either at Patnagarh or Cuttack or Bhubaneswar. I am  
in desperate need of a suitable homestead plot for construction of my  
residential house at Abhinav Bidanasi, under CDA, Cuttack.

Hence, I am to request you to kindly allot a B type corner plot  
preferably within CDA Sector-6 to 10 in my favour for which action of  
yours I shall be ever grateful to you and obliged.

Yours Sincerely,  
*[Signature]*  
(G.R. Purohit)

*[Signature]*

(True copy)



**ANNEXURE - P12**

To

The Hon'ble Minister of State (Ind)

Housing &amp; Urban Development

Orissa, Bhubaneswar

Sub: Allotment of a house under Pokharipur HIG (Duplex) Finished Housing Scheme, Ananta Bihar, 'A' Block, Bhubaneswar.

Sir,

I am to bring to your kind notice that I have applied for a house to Bhubaneswar Development Authority under the aforementioned housing scheme after depositing EMD amount of Rs. 5.00 lakh after finalisation of allotment process through lottery. I have not been allotted any house under the above scheme. It is learnt that there are still few HIG (duplex) house left with for distribution by the Hon'ble Minister U.D., Orissa out of his discretionary quota.

I would, therefore, request you kindly to consider the above facts and allot me a HIG (duplex) house from 'A' Block in the above Scheme out of discretionary quota.

Yours Faithfully

Sd/-

Date: 04.08.09

Bikram Kesari Arukha

At- Agajhola, Po- Baunsalund

Ps- Bhanjinagar, Dist: Ganjam

**(TRUE COPY)**

ANNEXURE - P13 (copy)

28/6/2000

Sd/- R. Mahapatra  
28.6.2000

To  
The Hon'ble Chairman,  
Bhubaneswar Development Authority,  
Bhubaneswar.

Sub:- Allotment of a plot.

Sir,  
I am in the field of Journalism for the last 17 years and now working as Chief of News Bureau of the Indian Express at Bhubaneswar. Neither I nor any of my family member possess a house or plot in the Bhubaneswar Master Plan area.

I will be obliged if a plot of land is allotted in my favour from your discretionary quota in any of the developed area of Bhubaneswar.

Thanking you,

Yours faithfully,

(Srimoy Kar)  
Srimoy Kar,  
Plot No. 396, Sahidnagar,  
Bhubaneswar.

Dt-27.6.2000  
Bhubaneswar.

Copy to Secretary, BDA for kind information & necessary action.

ALLOTMENT OFFICER  
B.D.A. Bhubaneswar  
(Srimoy Kar)

28.6.2000  
Bhubaneswar  
28.6.2000

To

The Hon'ble Chairman,  
Bhubaneswar Development Authority  
Bhubaneswar.

115

Sub:- Allotment of plot.

Sir,

I am in the field of Journalism for the last 17 years and now working as Chief of News Bureau of the Indian Express at Bhubaneswar. Neither I nor any of my family member possess a house or plot in the Bhubaneswar Master Plan area.

I will be obliged if a plot of land, is allotted in my favour from your discretionary quota in any of the development area of Bhubaneswar.

Thanking you,

Yours faithfully

sd/-  
(SrimoyKar)  
Dt. 27.06.2000 Plot No. 396, Sahidnagar,  
Bhubaneswar. Bhubaneswar.

Copy to Secretary, BDA for kind information & necessary action.

Sd/-  
(SrimoyKar)

116

16.09.2000

The Hon'ble Chairman,  
Bhubaneswar Development Authority.

Sir,

I have ~~know~~, home stead land inside the capital city and is interested take a plot out of Chandrasekharpur plotted scheme.

I shall be highly obliged, if you kindly allot a plot out of your discretionary quota.

With regards,

Yours' Faithfully,

*Pratima Das*

(Pratima Das)

W/o Kalpataru Das.  
Or.No. VIIIC/3  
Unit.-1, Bhubaneswar.

*Pratima Das*  
ALLOTMENT OFFICER  
B.D.A., BHUBANESWAR

(TRUE COPY)

117

**ANNEXURE- P14(only)**

Date: 24. 07. 2000

To,  
The Chairman  
Bhubaneswar Development Authority  
Bhubaneswar

Sub: Allotment of plot in Bhubaneswar municipality area.

Dear Sir,

This is to bring to your kind notice that I do not possess any land in my name in Bhubaneswar municipal area. I understand that the Bhubaneswar Development Authority (BDA) has been kind enough to allot vacant plots to the needy and landless persons.

It would be indeed of great help to me if the BDA considers this application of mine and allot a plot at a suitable locality in the Bhubaneswar municipal area.

In the event of allotment of the land, I assure you that I will deposit the required initial amount at the shortest notice. The remaining amount will be paid in instalments.

An early reply from you in this regard will be highly appreciated. This request letter carries my address for necessary intimation.

With regards

  
ALLOTMENT OFFICER,  
B.D.A., BHUBANESWAR

Yours sincerely,  
*Rajaram Satapathy*  
(Rajaram Satapathy)  
Gr.NO. VI -A- 3/2  
Near Kasturba Narl Mahal  
Unit-1  
Bhubaneswar- 751009

118

118

To,  
The Chairman  
Bhubaneswar Development Authority  
Bhubaneswar

Date: 24. 07. 2000

Sub: Allotment of plot in Bhubaneswar municipal area.

Dear Sir,

This is to bring to your kind notice that I do not possess any land in my name in Bhubaneswar municipal area. I understand that the Bhubaneswar Development Authority (BDA) has been kind enough to allot vacant plots to the needy and landless persons.

It would be indeed of great help to me if the BDA considers this application of mine and allot a plot at a suitable locality in the Bhubaneswar municipal area.

In the event of allotment of the land, I assure you that I will deposit the required initial amount at the shortest notice. The remaining amount will be paid in instalments.

An early reply from you in this regard will be highly appreciated. This request letter carries my address for necessary intimation.

With regards

  
ALLOTMENT OFFICER  
B.D.A., BHUBANESWAR

Yours sincerely,

Debprasad Pattnaik

(Debi Prasanna Pattnaik)  
Gr.NO. 5 R- 4 (Flat )  
Unit- 3  
Bhubaneswar- 751001

119

119

To,  
The Chairman  
Bhubaneswar  
Bhubaneswar

Development Authority

Date: 24. 07. 2000

Sub: Allotment of plot in Bhubaneswar municipality area.

Dear Sir,

This is to bring to your kind notice that I do not possess any land in my name in Bhubaneswar municipal area. I understand that the Bhubaneswar Development Authority (BDA) has been kind enough to allot vacant plots to the needy and landless persons.

It would be indeed of great help to me if the BDA considers this application of mine and allot a plot at a suitable locality in the Bhubaneswar municipal area.

In the event of allotment of the land, I assure you that I will deposit the required initial amount at the shortest notice. The remaining amount will be paid in instalments.

An early reply from you in this regard will be highly appreciated. This request letter carries my address for necessary intimation.

With regards

  
ALLOTMENT OFFICER  
B.D.A., BHUBANESWAR

Yours sincerely,



(Gayatri Singh)

Gr. NO. VA-7/1

Unit-2

Bhubaneswar - 751009

(TRUE COPY)

**ANNEXURE - P15 120**

D. No. 148/mes/11  
31.1.08

334  
V.C. C. D.A. 31/1/08  
Please examine and  
put up file.

  
31/1/08.

The Chairman,  
Cutack Development Authority &  
Hon'ble Minister, Urban Development, Orissa.

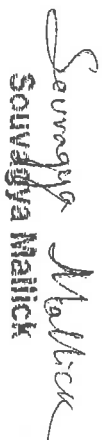
Minister,  
Urban Development Public Enterprises  
O U I S A.

Sub: Allotment of a HIG Plot at Cutack Development Authority.

Sir,  
Respectfully, I am to state that I have completed 5 year integrated Law recently and proposes to practice Law in High Court of Orissa at Cutack. But regret to mention that I have no house or a plot at Cutack.

I, therefore, request that a plot of land at Cutack Development Area may kindly be allotted in my favour which will facilitate me in my accommodation and profession.

Yours faithfully,

  
Souvagya Mallick

Qr. No. VJR-20, Unit-6,  
Bhubaneswar.

E-mail- [souvagya.mallick@yahoo.co.in](mailto:souvagya.mallick@yahoo.co.in)  
Mobile No. 98612-75195

  
With kind regards.

  
Minister, Urban Development, Orissa



To

121

The Chairman  
Cuttack Development Authority &  
Hon'ble Minister, Urban Development, Orissa.

Sub:- Allotment of a HIG Plot at Cuttack Development  
Authority

Sir,

Respectfully, I am to state that I have completed 5 years integrated Law recently and propose to practice Law in High Court of Orissa at Cuttack. But regret to mention that I have no house or a plot at Cuttack.

I, therefore, request that a plot of land at Cuttack Development Area may kindly be allotted in my favour which will facilitate me in my accommodation and profession.

With kind regards.

Yours faithfully

Souvagya Mallick  
Qr. No. VIR-20, Unit-6  
Bhubaneswar.  
E-mail- [souvagya.mallick@yahoo.co.in](mailto:souvagya.mallick@yahoo.co.in)  
Mobile No. 9861275195

(True copy)

(See Rule 4-A)

Affidavit to be furnished by candidate along with nomination paper  
before the Returning Officer

For election to the Legislative Assembly of Orissa State From (67)  
Patanagarh Assembly Constituency

I, Kanak, Vardhan Singh Deo S/o Late Raj Singh Deo aged about 52  
years residence of Raj Khamar, At/Po: Patnagarh Dist. Balangir  
candidate at the above election, do hereby solemnly affirm/state on  
oath as under.

1. The following case (s) is/ are pending against me in which  
cognizance has been taken by the court:- GR case No. 758 of  
2007 Balangir PS Case No. 288 of 2007-U/s  
147/148/323/294/506/341/149 of IPC read with Sec. 3 (1) (x) of  
(P.A. Act). After due investigation by Police final report No. 374 of  
2008 has been submitted on 31.12.2008, stating the case as false.  
The SDJM, Balangir is yet to accept the final report submitted by  
police.
  - (i) Section of the Act and description of the offence(s) for  
which cognizance taken: Final Report to be accepted.
  - (ii) The court which has taken cognizance: SDJM Balangir  
to accept final report of the Police GR Case No.  
758/2007.
  - (iii) Case No. GR Case No. 758/2007
  - (iv) Date of order of the court taking cognizance: N.A
  - (v) Details of appeal(s) application(s) for revision etc., if any  
filed against above order taking cognizance: N.A.

2. That I give here below the details of the assets (immovable  
movable, bank balance, etc.) of myself, my spouse and  
dependents:

**A. Details of Movable Assets**

Sl. No.	Description	K.V. Singh Deo (Sell)	Sangeeta Kumari Singh Deo (Spouse Name)
(i)	Cash	RS. 76,000/-	Rs. 51,000/-
(ii)	Deposits in Banks, financial institutions & Non-Banking Financial Companies	Bank of Tokyo-Mitsubishi UFG Ltd (HUB) SB Rs. 18,17,824,29 Current A/c Rs. 15,866,63.Sb A/c Rs.3,14,771,37/- FD Rs. 29,02, 230/- HUF Rs. 25,000/- SBI (HUF) SB A/c Rs. 4,13,994,12/-	PNB Fd amount Rs. 50,000/- SBI SB A/c Rs. 66,937,73/- Bank of Tokyo-Mitsubishi LFG Ltd. Hd. FD Rs. 10,90,000/- Bank of Tokyo- Mitsubishi LFG Ltd. (HUF) FD Rs. 75,000/-
(iii)	Bonds, debentures and shares in companies	IDBI 320 shares Rs. 14,816/- RI 50 shares Rs. 76,650/- Videocon 275 shares Rs. 23,650/- Prachi Resorts Ltd. 6000 share (company not listed)	RIL 750 shares Rs. 11,74,900/- L&t 160 shares Rs. 97,500/- Ambuja cement Ltd. 350 ahares Rs. 24,500/- Bharati Airtel 250 shares Rs. 1,50,000/- ICICI Bank Ltd. 50 shares RS. 18,5000/- ItC Ltd. 300 shares Rs. 54,000/- JP Associates Ltd. 250 shares Rs. 21,250/- TCS Ltd, 11 share RS. 6,050/- REL com, Ltd. 708 shares Rs. 1,20,360/- Ulitratech

			cement Ltd 40 shares Rs. 20,400/- (Shares in unlisted companies) Dasmati Enterprise Pvt Ltd. 95000 shares Nivritti Exports Pvt Ltd. 5000 shares Samleswari Enterprises pvt. Ltd. Rrachi Resorts 6000 shares Reliance Growth fund 1805.05 units rs. 1,00,000/-
(iv)	Other Financial instruments NSS. Postal savings. LIC, Policies, etc.	LIC Pol NO. 590337422 LIC Pol No. 591512580. LIC Pol No. 591511890	LIC Pol No. 591501810 LIC Pol No. 590337658
(v)	Motor Vehicles (details of make)	Mahindra & Mahindra Jeep 1982 (Disposal) Rg. No. DL 3CB 8310 & Toyota Innova 2005 REG. No. OR02AF0023.	NIL
(vi)	Jewellery (give details of weight and value)	As per valuation report attached separately of self, spouse & HUF	As per valuation report attached separately of self spouse & Huf
(vii)	Other assets, such as values of claims/interests	NIL	NIL

B. (Assets in joint name indicating the extent of joint ownership will also have to be given):-

Note: Value of Bonds/Shares/Debentures as per the latest market value in stock Exchange in respect of listed companies and as per books in the case of non-listed companies should be given.

Sl. No.	Description	K.V. Singh (self)	Sangeeta Kumari Singh Deo (Spouse Name)
(i)	Agricultural Land -Locations(s) -Survey No.(s) -Extent (Total Measurement) -Current Market Value	Properties to be inherited after family partition.	NIL
(ii)	Non-Agricultural Land -Locations(s) -Survey No.(s) -Extent (Total Measurement) -Current Market Value	Khata No. 368/2012 Plot NO. 1373/2318, Mouza- Balangir (GA) Tahasil- Balangir Thana No. 154. Dist. Balangir Area 1,600 dec. The current market price is Rs. 30,00,000/- (approx.)	Plot No. 28 Revenue Khata No. 64 GA Khata No. 2 Mouza-Ganga Nagar, Bhubaneswar, Area 0.250 dec. (54x130) 10920sqft. The current market price of the plot alongwith incomplete

			house is assessed to Rs. 1,48,97,425/-
(iii)	Building (commercial & residential) -Locations(s) -Survey No.(s) -Extent (Total Measurement) -Current Market Value	Half share of Plot 812 A, Tolstoy House 15-17 Tolstoy Marg, New Delhi (half of 487 sq.ft.) The current market price of the entire flat as on January 2009 Rs. 58,44,000/-	Half share of Plot 812 A, Tolstoy House 15-17 Tolstoy Marg, New Delhi (half of 487 sq.ft.) The current market price of the entire flat as on January 2009 Rs. 58,44,000/-
(iv)	House/Apartments. Etc. -Locations(s) -Survey No.(s) -Extent (Total Measurement) -Current Market Value	NIL	B-43 Sushant Apartments, Sushant Lok, Gurgaon Rs. 30,86,000/-
(v)	Others (Such as interest in property)	Properties to be inherited after family partition.	NIL

### C. Details of Immovable Assets.

3. I, give here below the details of my liabilities/overdues to public financial institutions and Government dues:-

(Note: Please give separate details for each item)

Sl. No.	Description	Name & Areas of Bank / Financial Institution (s)	Amount outstanding as on 28 <sup>th</sup> March, 2009

		Department(s)	
A(i)	Loans from Banks	NIL	NIL
(ii)	Loans from Financial institutions	NIL	NIL
(iii)	Government Dues		NIL
	(a) Dues to Departments dealing with Government accommodation	No certificate enclosed	dues NIL
	(b) Dues to Departments dealing with supply of water electricity.	No certificate enclosed	dues NIL
	(c) Dues to Departments dealing with supply of electricity.	No certificate enclosed	dues NIL
	(d) Dues to Departments dealing with telephones.	No certificate enclosed	dues NIL
	(e) Dues to Departments dealing with Government Transport (including Aircrafts & Helicopters)	Certificate enclosed	NIL
	(f) Other dues if any	NIL	NIL
B (i)	Income Tax including surcharge (Also indicate the assessment year upto which income tax Return filed. Give also Permanent Account NO. (PAN))	Return filed assessment year 2008-09 (year ending 31.03.08) PAN No. AHZPST1095E	NIL
(ii)	Wealth Tax (Also indicate the assessment year upto which Wealth Tax Return filed)	Wealth Tax return filed upto 2008-09	NIL

(iii)	Sales Tax 9only incase of property business)	Not applicable	Not applicable
(iv)	Property tax	Half share of Rs. ..69,940/-	NILL

My educational qualifications are as under:-

(GIVE DETAILS OF SCHOOL AND UNIVERSITY EDUCATION)

(Name of School / University & the year in which the course was completed should also be given)

1. Passed Higher Secondary from The Air Force Central School, New Delhi in the year 1975.
2. B.A. (Part-1) Delhi University in the year-1977.

#### VERIFICATION

I, the above named deponent, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therein.

Verified at Patanagarh this 28<sup>th</sup> day of March 2009.

(Kanak Vardhan Singh Deo)



**STATEMENT OF SUMMARY OF PARTICULARS /  
INFORMATION  
FURNISHED IN AFFIDAVITS  
Chapter III Para 4.5 (3.1)**

NO. 10 & NAME OF CONSTITUENCY: BALANGIR

Sl. No.	Particulars	Description
01.	Candidate's Name	Kanank Verdha Singh Deo
02.	Father's Name	Late Raj Singh Deo
03.	Age	52 years
04.	Educational Qualification	B.A. (part-I) Delhi University
05.	Convicted (Yes / No)	No
06.	Cases Pending (Yes/No) If Yes, then list of Section (s)	2527 Arms Act read with Sec. 3 (1) (x) SC, ST (PA) Act.
07.	Assets	As per enclosure attached with nomination papers at Annexure-1
08.	Liabilities/overdues of public financial institutions and Govt. dues	As per enclosure filed with the Nomination papers.

(Kanak Vardhan Singh Deo)

(TRUE COPY)

ANNEXURE - P (19/04/13)  
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Mr. S.L. Mishra



CUTTACK DEVELOPMENT AUTHORITY  
ARUNODAYA BHAWAN: LINK ROAD  
CUTTACK-12  
**Under R.T.I. Act**

To  
No. 21/222/CDAD Dated: 21/8/13  
284-1NF-119/13

Sri/Smt. Jayanti. Das. W/O. K. Umra Bandy Das  
.. Chintamani. Misra. Maharmadi Bargar  
.. Chandrasekar. Mishra .....

Sub: Information under R.T.I Act, 2005.

Sir/Madam,  
Enclosed please find herewith the information as per  
your application dated.....19/7/2013 under Right to information.

Yours faithfully,

*[Signature]*  
Public Information Officer  
CUTTACK DEVELOPMENT AUTHORITY  
Cuttack-12

**INFORMATION SOUGHT FOR BY JAYANTI DAS**

Information sought for: D.Q. allotment to Justice Bimal Prasad Das and Justice Arun Kumar Parichha

Reply: 1. No plot under D.Q. has been allotted in favour Justice Bimal Prasad Das

2. (a) Plot No. allotted in favour of Justice Arun Kumar Parichha under D.Q. -TGh- 1353/ D-11 in Sector-9
- (b) Cost of Plot - Rs, 1,10,250.00
- (C ) Date of handing over possession -22.03.2013
- (d) Affidavit - Xerox copy enclosed
- (e) Request letter for allotment – not available
- 

Information sought for :- Land allotted to nibedita Pradhan,  
Ex\_Mayor C.M.C. and Samir Dey, Ex-  
Minister

- Reply:- 1. Plot No allotted in favour of Nibedita Pradhan-1 -  
CM-11/1(P), Sector-1
- (b) Cost of plot - Rs. 27,75,500.00
- (C) Date of handing over possession 13.12.2008
- (d) Application for allotment- Xerox copy furnished
- (e) Affidavit - Xerox copy furnished
2. No plot under D.Q. has been allotted in Favour of  
Shri Samir Dey.
- 

Information sought for :-Allotment Committee meeting on 9.10.2006

Provide the copy of the guidelines scrapping the quota scheme for green card holders and criteria for enhancing D.Q. from 5% to 10% as held in the meeting on 09.10.2006

Reply The Proceedings of the Allotment Committee Meeting held on 09.10.2006 is furnished

---

Information Sought for :- Lottery conducted by Retd. District Judge during 1990-2011

Provide the copy of records mentioning dates of lottery drawn and list of Judges conducted the lottery process in CDA in between 1990-2011 serially for all the sectors of CDA.

Reply

Draw of lottery for serialization of applicants has not been conducted by Retd. District Judge during 1990-2011

Information sought for:- IAS, IPS Judges allotted D.Q. (1990-2011)

Provide the request letters applications along with affidavits for D.Q. plot allotment.

Reply

The copy of request letters, applications along with affidavits for D.Q. allotment of plots are furnished as under.

S. No.	Name of the IAS. IPS and Judges allotted with plots under D.Q.	Plot No.	Sector	Request Letter	Application	Affidavit
1	Sri Rajendra Mohan Patnaik, IPS	C-1159	6	Not available	Copy furnished	Copy furnished
2	Sri C.R. Pal, IAS	C-1170	6	Not available	Copy furnished	Copy furnished
3	Sri Anadi Sahoo, IPS	D-1224	6	Not available	Copy furnished	Not furnished
4	Sri Umassankar	C-1247	6	Not available	Copy furnished	Copy furnished
5	Sri Bipin Bihari Mishra, IPS	C-1222	6	Not available	Copy furnished	Copy furnished
6	Sri Bana Bihari Panda, IPS	C-1383/4	6	Copy furnished	Copy furnished	Copy furnished
7	Sri Prakash Mishra, IPS	C-1377/4	6	Not available	Copy furnished	Copy furnished
8	Sri M. Akshaya, IPS	C-1378/4	6	Not available	Copy furnished	Copy furnished
9	Sri S.K. Chatterjee, IPS	C-1377/3	6	Not available	Copy furnished	Copy furnished
10	Justice Lingaraj Rath	B-1486	6	Not	Copy	Copy

11	Sri Basant Ku. Mahanty, Judge	C-70	7	Not available	Copy furnished	Copy furnished
12	Sri Bata Krishna Tripathy, IPS	C-779	8	Not available	Copy furnished	Copy furnished
13	Sri Surendra Nath Swain, IPS	B-699	8	Not available	Copy furnished	Copy furnished
14	Sri Bijay Kumar Sharma, IPS	B-738	8	Not available	Copy furnished	Copy furnished
15	Sri Satyajeet Mahanty, IPS	B-917/3	9	Not available	Copy furnished	Copy furnished
16	Sri Prasant Ku. Nayak, IAS	B-1159/18	9	Copy enclosed	Copy furnished	Copy furnished
17	Sri Bidya Bhusan Mohanty, IPS	B-1159/28	9	Not available	Copy furnished	Copy furnished
18	Sri Upendra Nath Behera, IAS	6GH/115 0/C-26	9	Not Available	Copy furnished	Copy furnished
19	Sri Harihar Panda, IPS	6GH/115 0/C-28	9	Copy furnished	Copy furnished	Copy furnished
20	Sri Binay Behera, IPS	6GH/115 0/C-18	9	Not available	Copy furnished	Copy furnished
21	Sri Mana Mohan Praharaj, IPS	6GH/927 /C-3	9	Not available	Copy furnished	Copy furnished
22	Sri Asutosh Mishra, IPS	1C/32	9	Not available	Copy furnished	Copy furnished
23	Sri Ratikant Mohapatra, Judge	6C/1187	10	Not available	Copy furnished	Copy furnished
24	Justice Madan Mohan Dash	3B/842	10	Copy furnished	Copy furnished	Copy furnished
25	Sri Bala Krushna Sahoo, IAS	2C/780/5	11	Copy furnished	Copy furnished	Copy furnished
26	Sri Bidhu Bhusan Mishra, IPS	4C/1388	11	Copy furnished	Copy furnished	Copy furnished
27	Justice P.K. Mohanty	1B/41	11	Copy furnished	Copy furnished	Copy furnished
28	Justice Sanju Panda	3C/1342	11	Not available	Copy furnished	Copy furnished
29	Justice L.K. Mohapatra	3B/1332	11	Copy furnished	Copy furnished	Copy furnished
30	Sri Sudhanshu Sarangi	3B/1293	13	Copy furnished	Copy furnished	Copy furnished

31	Sri Banya Nanda, IPS	3B/1234	13	Copy furnished	Copy furnished	Copy furnished
32	Sri Manoj Chhabra, IPS	4C/1557	13	Copy furnished	Copy furnished	Copy furnished
33	Md. Azamal, Judge	3C/928	13	Copy furnished	Copy furnished	Copy furnished
34	Justice Nityananda Prusty	3B/880	13	Copy furnished	Copy furnished	Copy furnished
35	Sri Rama Krishna Choudhury, Judge	3E/1080	13	Copy furnished	Copy furnished	Copy furnished

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PROCEEDINGS OF THE ALLOTMENT COMMITTEE MEETING HELD ON 9.10.2006 AT 11.00 AM IN THE CONFERENCE HALL OF C.D.A. UNDER THE CHAIRMANSHIP OF VICE-CHAIRMAN, C.D.A. TO FINALISE THE MODALITIES OF ALLOTMENT OF PLOTS IN RESPONSE TO ADVERTISEMENTS OF THE YEAR 2001 & 2004.

1. Members and Officers present are at Annexure-A.
2. At the outset Secretary, CDA explained the various aspects of allotment procedure and difficulties faced to deal with the applications of the year 2001 and 2004. Secretary further stated that the rate of 2001 and 2004 are different. brochure conditions are also different in certain aspects like reservation of plots for different mode of payment group and rate of interest for default in payment of cost of plots. The action already taken like serialization of all the applicants of 2001 and B & C categories of the applicants of 2004 through lottery has been explained before the Committee.

The Land Officer, CDA explained before the Committee that about 202 applicants of 2001 have been allotted with plots in Sector-10 as per their respective serial numbers and balance 688 applicants are there to be allotted with plots in Sector-13.

Participating in discussion the Superintending Engineer, CDA stated that the Infrastructural Development work of Sector-13 is in progress in full swing. The Committee called upon Land Officer, CDA to explain the development made so far regarding settlement of land in favour of CDA. The Land Officer, CDA stated that the lease of Government land is in process at district level and CDA has already taken over possession of the private lands from the land acquisition Collector, Cuttack. The Committee called upon Land Officer, CDA to pursue the matter at the appropriate level.

After the above discussion the Committee decided to take the following allotment procedure to deal with the balance applications of 2001 and 2004.

- a) All the 688 applicants of 2001 irrespective of their mode of payment will be asked to exercise their option to pay the cost of the plot on outright basis.
- b) After obtaining options from the applicants they will be issued with provisional allotment order as per their lottery serialization drawn earlier.
- c) After issuance of provisional allotment letter to the applicants of 2001, the balance plots will be considered for allotment after observing identical procedure.

30/10/06

Public Information Officer  
Cuttack Development Authority  
Cuttack-753 001

The details of cost like land cost, land compensation and actual developmental costs are not known to arrive at final cost of the project as well as the cost of the plots. The Land Officer, CDA stated that CDA has fixed sq. ft. price of Rs.213/- . Rs.213/-, Rs.193/-, Rs.193/-, Rs.184/- and Rs.184/- in respect of B, C, D, E, F & G categories of plots respectively in the neighbouring Sector-10 & 11. It was discussed that if the year 2004 is taken as the base year of allotment of plots in Sector-13 the price would be enhanced by 15% per annum for the year 2005-06 and 2006-07. The enhanced price of plots of Sector-13 is almost the same with that of the neighbouring sectors like 10 & 11. The Committee decided to fix the (Provisional price) of the plots of Sector-13 as follows.

Categories of plots	Price fixed per sq. ft.	Remarks
B- Residential	Rs.213.00	Par with Sector-10 & 11
C - do-	Rs.213.00	-do-
D -do-	Rs.193.00	-do-
E -do-	Rs.193.00	-do-
F + do-	Rs.184.00	-do-
G, do-	Rs.184.00	-do-
B- Res/Commercial	Rs.278.00	Enhanced the price by 15% over the rate of 2004
C -do-	Rs.278.00	-do-
D -do-	Rs.265.00	-do-
E -do-	Rs.265.00	-do-
F -do-	Rs.251.00	-do-

d) The rate of interest in case of default-in payment of cost of plots would be charged @ 7.5% P.A. as per decision of the Authority in its 76<sup>th</sup> Meeting held on 31.7.2004.

e) The selection of plots in respect of applicants who have been serialized by draw of lots will be made as per prevailing practice of CDA. The lottery serialization not done earlier in case of applicants of D, E, F & G categories of 2004 will not be made now and all such applicants be included in lottery as per kind orders of Chairman, CDA and lottery will be conducted in the presence of a retired Judge not below the rank of District Judge. The Law Officer, CDA was called upon to report the name of a retired District Judge for finalisation of the same.

Date: 1.8.2004

Public Information Officer  
Rajasthan Development Authority  
Bhilai-13



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- f) There would be no reservation of plots for Green Card Holders. However, 10% of the available plots will be allotted by the Chairman under discretionary quota.
  - g) The Committee called upon Land Officer, CDA to take expeditious steps for implementation of the above decisions so that the entire job of issuance of allotment letter, plot selection, lottery would be completed latest by 31<sup>st</sup> December, 2006. The unsuccessful applicants would be asked either to take refund of their deposit or to wait for allotment against future vacancy if any in Sector-13 only and they will have to pay the prevailing cost.
  - h) Vice-Chairman instructed the Planning Member & Superintending Engineer to carve out additional plots by realignment of periphery road of Sector-13 early.
  - 3. The Committee further decided to go for acquisition of land from Trisulia to Naraj immediately for the future project of the Authority. The Land Officer will take expeditious steps for settlement of land already applied for and for other lands if any.
- The meeting ended with voted of thanks to the Chair.

*[Signature]*  
VICE-CHAIRMAN

*21.9.13*  
**Public Information Officer**  
Sector-13, Government Authority

PROCEEDINGS OF THE ALLOTMENT COMMITTEE MEETING HELD ON 09.10.2006 AT 11.00 AM IN THE CONGERENCE HALL OF C.D.A. UNDER THE CHAIRMANSHIP OF VICE-CHAIRMAN, C.D.A. TO FINALISE THE MODALITIES OF ALLOTMENT OF PLOTS IN RESPONSE TO ADVERTISEMENTS OF THE YEAR 2001 & 2004.

1. Members and officers present are at **Annexure-A**.

2. At the outset Secretary, CDA explained the various aspects of allotment procedure and difficulties faced to deal with the application of the year 2001 and 2004. Secretary further stated that the rate of 2001 and 2004 are different, brochure conditions are also different in certain aspects like reservation of plots for different mode of payment group and rate of interest for default in payment of cost of plots. The action already taken like serialization of all the applicants of 2001 and B&C categories of the applicants of 2004 through lottery has been explained before the Committee.

The Land Officer, CDA explained before the Committee that about 202 applicants of 2001 have been allotted with plots in sector-10 as per their respective serial numbers and balance 688 applicants are there to be allotted with plots in Sector-13.

Participating in discussion the Superintending Engineer, CDA stated that the infrastructural Development work of Sector -13 is in progress in full swing. The Committee called upon Land Officer, CDA to explain the development made so far regarding settlement of land in favour of CDA. The Land Officer, CDA stated that the lease of Government land is in process at district level and CDA has already taken over possession of the private lands from the Land Acquisition Collector, Cuttack. The Committee called upon Land

Officer, CDA to pursue the matter at the appropriate level.

After threadbare discussion the Committee decided to take the following allotment procedure to deal with the balance applications of 2001 and 2004.

- a) All the 688 applicants of 2001 irrespective of their mode of payment will be asked to exercise their option to pay the cost of the plot on outright basis.
- b) After obtaining options from the applicants they will be issued with provisional allotment order as per their lottery serialization drawn earlier.
- c) After issuance of provisional allotment letter to the applicants of 2001, the balance plots will be considered for allotment after observing identical procedure.

The details of cost like land cost, land compensation and actual developmental costs are not known to arrive at final cost of the project as well as the cost of the plots. The Land Officer, CDA stated that CDA has fixed sq.ft. price of Rs. 213/-, Rs. 213/-, Rs. 193/-, Rs. 193/-, Rs.184/- and rs.184/- in respect of B, C, D, E, F & G categories of plots respectively in the neighbouring Sector-10 & 11. It was discussed that if the year 2004 is taken as the base year of allotment of plots in Sector-13 the price would be enhanced by 15% per annum for the year 2005-06 and 2006-07. The enhanced price of plots of Sector-13 is almost the same with that of the neighbouring sectors like 10 & 11. The Committee decided to fix the (Provisional price) of the plots of Sector-13 as follows.

Categories	of	Price fixed per	Remarks
------------	----	-----------------	---------

14b

plots	sft.	
B- Residential	Rs. 213.00	Par with Sector-10 & 11
C-do-	Rs. 213.00	-do-
D-do-	Rs. 193.00	-do-
E-do-	Rs. 193.00	-do-
F-do-	Rs. 184.00	-do-
G-do-	Rs. 184.00	-do-
B- Res/Commercial	Rs. 278.00	Enhanced the price by 15% over the rate of 2004
C-do-	Rs. 278.00	-do-
D-do-	Rs. 265.00	-do-
E-do-	Rs. 265.00	-do-
F-do-	Rs. 251.00	-do-

d) The rate of interest in case of default-in payment of cost of plots would be charged @ 7.5% P.A. as per decision of the Authority in its 76<sup>th</sup> Meeting held on 31.07.2004.

e) The selection of plots in respect of applicants who have been serialized by draw of lots will be made as per prevailing practice of CDA. The lottery serialization no done earlier in case of applicants of D, E, F & G categories of 2004 will not be made now and all such applicants be included in lottery as per kind orders of Chairman, CDA and lottery will be conducted in the presence of a retired Judge not below the rank of District Judge. The Law Officer, CDA was called upon to report the name of a retired District Judge for finalisation of the same.

f) There would be no reservation of plots for Green Card Holders. However, 10% of the available plots will be allotted by the Chairman under discretionary quota.

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g) The Committee called upon Land Officer, CDA to take expeditious steps for implementation of the above decisions so that the entire job of issuance of allotment letter, plot selection, lottery would be completed latest by 31<sup>st</sup> December 2006. The unsuccessful applicants would be asked either to take refund of their deposit or to wait for allotment against future vacancy if any in Sector-13 only and they will have to pay the prevailing cost.

h) Vice-Chairman instructed the Planning Member & Superintending Engineer to carve out additional plots by realignment of periphery road of Sector-13 early.

3. The Committee further decided to go for acquisition of land from Trisulia to Naraj immediately for the future project of the Authority. The Land Officer will take expeditious steps for settlement of land already applied for and for other lands if any.

The meeting ended with voted of thanks to the Chair.

Ad/-

VICE-CHAIRMAN

(TRUE COPY)

ANNEXURE - P18

CUTTACK DEVELOPMENT AUTHORITY

ARUNODAYA BHAWAN, LINK ROAD,

CUTTACK-12.

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No. 23707 /CDA/DK. 15/x/13

SR - 1NF - 158 /13

To:

Sri/Smt. Jaganti Das

C/o. Kurnuda Bandhu Das

Chintamani Nivas

At: Makamadia Bazar, Po. Chandinichauk. Atk-12

Sub: Information under R.T.I. Act, 2005.

Sir/Madam,

Enclosed please find herewith the information as per your

application dated 4.9.13 under Right to Information.

Yours faithfully,

  
10.7.13

PUBLIC INFORMATION OFFICER  
CUTTACK DEVELOPMENT AUTHORITY

**CUTTACK-12 OFFICE**  
**CUTTACK Development Authority**  
Cuttack-12

(19) Paqy  
Smel's put

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INFORMATION SOUGHT FOR BY JAYANTI DAS.

Information sought for -

Provide the copy of request letter, affidavit, application form and guideline followed to allot D.O. plot to Justice A.K. Samantaray, his Son Deepak Samant-Ray, Saroj Kumar Tripathy, S/O: Justice P. K. Tripathy and Justice B.K. Patel.

By 10.10.13

Reply

- I. No D.O. plot has been allotted in favour of Justice A.K. Samantaray.
- ii. Copy of request letter, affidavit and application form of Shri Deepak Samantaray are enclosed.
- III. Copy of request letter of Saroj Kumar Tripathy, S/O: K.C. Tripathy, affidavit and application form are enclosed. Saroj Kumar Tripathy is not the son of Justice P.K. Tripathy.
- IV. The request letter, affidavit and application form of Justice BK Pallel are enclosed.
- v. While making allotment of D.O. Plot to different individuals the basic eligibility criteria like insisting upon submission of application in the prescribed form, affidavit to the effect that the applicant or his family members does not own any plot in Oldanasi Project area and SHAS area has been followed.

13/10/13

By 10.10.13

For the Director, New  
Housing Development Authority  
Bhubaneswar

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Handwritten: 27/12/15 No. 26/10/15

Handwritten: application. Plot no. 13-53/8/64 may be allotted and will be put up for tender.

Handwritten signature and date: 26/12/15

The Hon'ble Minister,  
Housing & Urban Development Department-cum  
Cuttack Development Authority,  
Bhubaneswar.

Handwritten: 26/12/15

Subj: Allotment of "H" Category residential plot (4000 Sq.ft.) under the C.D.A.

Sir,

Appropis, the subject cited above, I the undersigned submit this application for allotment of a "H" category plot (4000 Sq.ft.) under the C.D.A residential plotting scheme.

Since, I do not possess any land for residential purpose in Cutback, I am badly in need of a plot for residential purpose.

I would appreciate your keasure in allotting a plot in my favour and obliged.

Yours truly,

DEEPAK KUMAR SAMANTARAY  
Advocate

S/o. Justice Ashok Kumar Samantaray  
Gowari Vihar  
28, Cantonment Road  
Cuttack-1.

Handwritten: 26/12/15

Handwritten signature

OFFICE ASSISTANT, OFFICE  
Cuttack Development Authority  
Cuttack-1/2



M.

10-6-60 CM-156/E Secy to  
10 in favour of the applicant  
and by D. D. [Signature]  
[Signature]  
[Signature]

The Hon'ble Minister,  
Housing & Urban Development & P.E.  
and Chairman, C.D.A., Orissa, Bhubaneswar.

Sub: Allotment of a piece of land at Avinaba Bidamasi,  
Cuttack out of Chairman's discretionary quota.

Sir,

I am to state that, as I have no land in Cuttack  
Municipal area and I intend to stay at Cuttack, I may kindly  
be allotted a piece of higher category plot, preferably B3/C or  
B3/D (residential or commercial cum residential use in any section in  
Bhubaneswar) project area out of Chairman's discretionary quota.

Yours faithfully,

[Signature]  
B. K. Patil  
Principal Secretary to Govt.,  
Law Department, Bhubaneswar

[Signature]  
Cuttack Development Authority  
Cuttack-75

146

CUTTACK DEVELOPMENT AUTHORITY  
ARUNODAYA BHAWAN, LINK ROAD,  
CUTTACK-12

No. 23707/CDA/Dt. 15.10.2013

EX.-INF-158

To,

Smt. Jayanti Das  
c/o Kumuda Bandhu Das  
Chintamani Niwas,  
Mahamadia Bazar, Po- Chandni Chowk Cuttack-2

Sub:- Information under RTI Act-2005.

Sir/Madam,

Enclosed please find herewith the information as per  
your application dated 04.09.2013 under right in  
information,

Yours faithfully

PUBLIC INFORMATION OFFICER  
CUTTACK DEVELOPMENT AUTHORITY

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INFORMATION SOUGHT FOR BY JAYANTI DAS

Information sought for-

Provide the copy of request letter, affidavit form and guideline followed to allot D. Q. Plot to Justice A.K. Samantaray, his son Deepak Samantaray, Saroj Kumar Tripathy, S/o Justice P. K. Tripathy and Justice B.K. Patel.

Reply-

I. No. D.Q. plot has been allotted infavour of Justice A.K. Samantaray.

II. Copy of request letter, affidavit and application farm of Shri Deepak Samantaray are enclosed.

III. Copy of request letter of Saroj Kumar Tripathy, S/o K.C. Tripathy, affidavit and application form are enclosed, Saroj Kumar Tripathy is not the son of Justice. P.K. Tripathy.

IV. The request letter, affidavit and application form of Justice B.K. Patel are enclosed.

V. While making allotment of D.Q. plot to different individuals the basic eligibility criteria like insisting upon submission of application in the prescribed form, affidavit to the effect that the applicant or his family members does not own any plot in Bidanasi Project area and SHAS area has been followed

To,

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The Hon'ble Minister  
Housing & Urban Development Department –cum  
Cuttack Development Authority,  
Bhubaneswar.

Sub:- Allotment of "H" category residential plot (4000 Sq.  
Ft.)

Sir,

.....the subject cited above, I the undersigned  
submit this application for allotment of a "B" category plot  
(4000 Sq. Ft.) under the CDA residential plotting scheme.

Since, I do not .....any land for residential  
purpose in Cuttack. I am badly in Land of a plot for residential  
purpose.

I would appreciate your .....in allotting a plot in  
my .....

Yours truly,

(DEEPAK KUMAR SAMANTARAY)  
Advocate  
S/o Justice Ashok Kumar Samantaray  
Gayatri Vihar  
28, .....Road  
Cuttack-1

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To,

The Hon'ble Minister  
Housing & Urban Development & P.E.  
and Chairman, CDA, Orissa, Bhubaneswar.

Sub:- Allotment of a piece of land at Avinaba Bidanasi,  
Cuttack out of Chairman's discretionary quota.

Sir,

I am the state that, as I have no land in Cuttack Municipal Area and I intend to stay at Cuttack. I may kindly be allotted a piece of higher category plot. Preferably B/C of residential or commercial cum-residential use in any scheme in Bidanasi project area out of Chairman's discretionary quota.

Yours faithfully,

(B.K. Patel)  
Principal Secretary Govt.  
Law Department, Bhubaneswar

(True Copy)

# ANNEXURE - P 19

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## Chapter 2

### Performance Audits

Para number	Topic	Page numbers
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2.2	Implementation of Indira Awas Yojana	42-71
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## Chapter 2

### Performance Audits

This chapter contains the findings of Performance Audits on Allotment of Government land by General Administration (GA) Department in Bhubaneswar city for various purposes (2.1), implementation of Indira Awas Yojana (IAY) (2.2), Mo Kudia (2.3) and Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) (2.4).

#### 2.1 Allotment of Government land by General Administration (GA) Department in Bhubaneswar city for various purposes

##### *Executive summary*

*Odisha Government Rules of Business empower the General Administration (GA) Department to control, administer, manage and protect Government land within the geographical limits of capital city of Bhubaneswar i.e. Bhubaneswar Municipal Corporation (BMC) area. Although the GA department was entrusted with the management of this land since 1952, yet no rules, regulations, manuals for allotment of land have been framed by the Department for the last 60 years.*

*Performance Audit of "Allotment of government land by GA Department in Bhubaneswar City for various purposes" was conducted and it was observed that, though, the Department is the custodian of Government land in BMC area, it had no comprehensive data on total land available, allotted, and encroached upon.*

*The Department allotted 464.479 acre land in 337 cases during 2000-12 to individuals, government offices, government undertakings as well as private bodies for establishment of hotels, hospitals, educational institutions and non government organisations (NGOs). Of this 183.449 acre (39 per cent) land were allotted to other than Government institutions/ organisations.*

*On test check of 164 (49 per cent) out of total 337 cases allotted, it was noticed that the process of allotment of land lacked a defined policy and procedure. Absence of any rule or criteria to govern the allotment process gave room for arbitrariness in allotment. There was no uniformity in disposal of applications, sanction of concession on premium to be paid, changes in land use plan and resumption of encroached land.*

*Out of 164 cases test checked, 63 cases pertained to other than Government parties. In 16 of these 63 cases, applications for land were disposed off within a year, but in the remaining 47 cases, delays ranged from one year to 24 years. Proclamation inviting public objections as stipulated in Odisha Government Land Settlement Rules was not published in any of the test checked cases. Site Selection Committee (SSC), a body specifically constituted to examine the eligibility of allotment, was bypassed in 19 out of 164 test checked cases while allotting 112.157 acre of land. Recommendation of the*

respective Administrative Departments was not obtained in 15 cases for allotment of 39.272 acre of land.

Premium payable on allotment of land was last revised in 1998. In 2009, bench mark rates with reference to market rates were decided. This resulted in extension of undue benefit to allottees during 1998-2009. Despite continuous rise of land price in the capital city, non revision of premium and non consideration of the prevailing market value of the land of the respective areas resulted in a loss of ₹ 251.92 crore to Government for the period 1998-2009.

Despite stipulation in the Acts and Rules to put the public land (for other than public purpose) into auction, the Department did not apply auction method in case of allotment of 154.473 acre though the prevailing market rate was 4.78 times more than the bench mark value, thereby foregoing the opportunity of earning substantial revenue.

It was also noticed that there was loss to Government due to charging of conversion fees at reduced rates in three cases (₹ 0.41 crore), non realisation of outstanding premium in eight cases (₹ 9.66 crore) and interest (₹ 21.51 crore) there on and non charging of consent fees in one case (₹ 0.51 crore).

6.051 acre encroached land valuing ₹ 18.89 crore, was regularised in 11 cases resulting in a loss of ₹ 14.15 crore to Government due to allotment at less than market rate. In addition, although 11.187 acre land valued at ₹ 84.21 crore was under the occupation of encroachers as of March 2012, no effective steps for eviction have been taken by the Department. Monitoring and inspection mechanism in the Department was non-existent due to acute shortage of personnel. Although lessees were not utilising allotted land for years together, the leases had been determined i.e. terminated only in a few cases

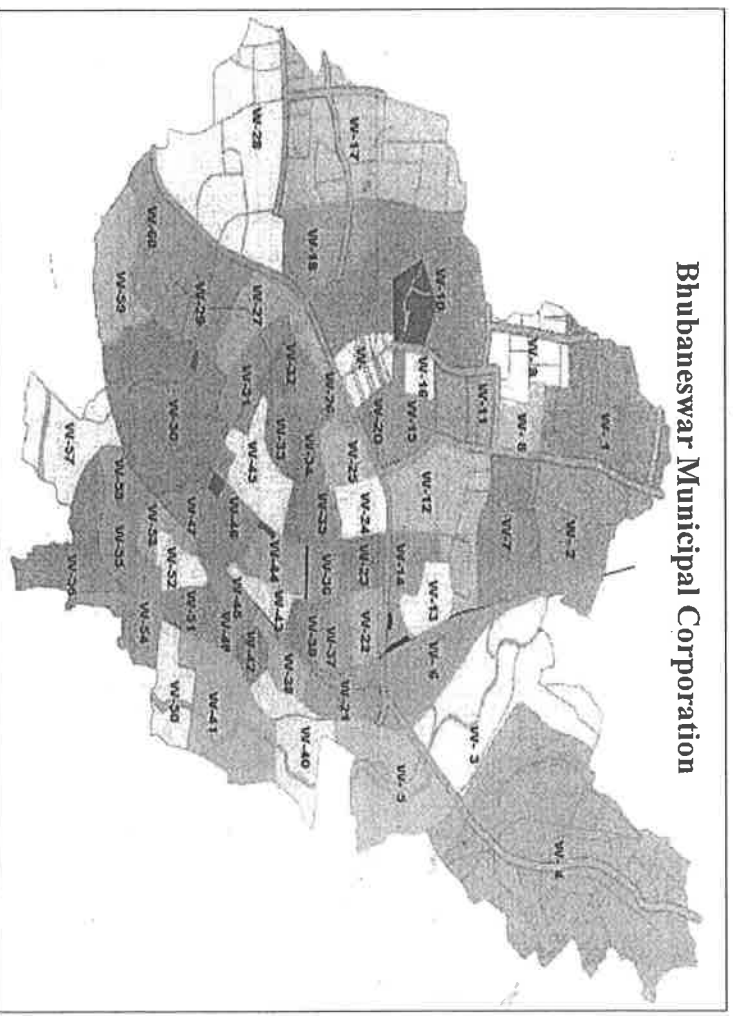
### 2.1.1 Introduction

The General Administration (GA) is a nodal Department for higher Civil Services i.e All India Services and Odisha administrative service and deals with the personnel management in the Government. It also performs Estate functions like Government land management in Bhubaneswar and administration of Government residential and non-residential estates and buildings located at Bhubaneswar and Cuttack and other Capital administration issue. For performance of these functions, the duties and rights have been described in Odisha Government Rules of Business. One of the duties assigned to the GA Department as per Rules of Business is management, control, protection and allotment of Government land within the urban limits of Capital City of Bhubaneswar.

In 1952, the capital, which was a Notified Area Council (NAC), had nine villages and the Government lands in such villages were transferred to the erstwhile Cabinet Department and Political Services Department which subsequently functioned as the GA Department. With the passage of time, other revenue villages were included within Bhubaneswar urban area. The Bhubaneswar Municipal Corporation currently consists of 60 revenue villages



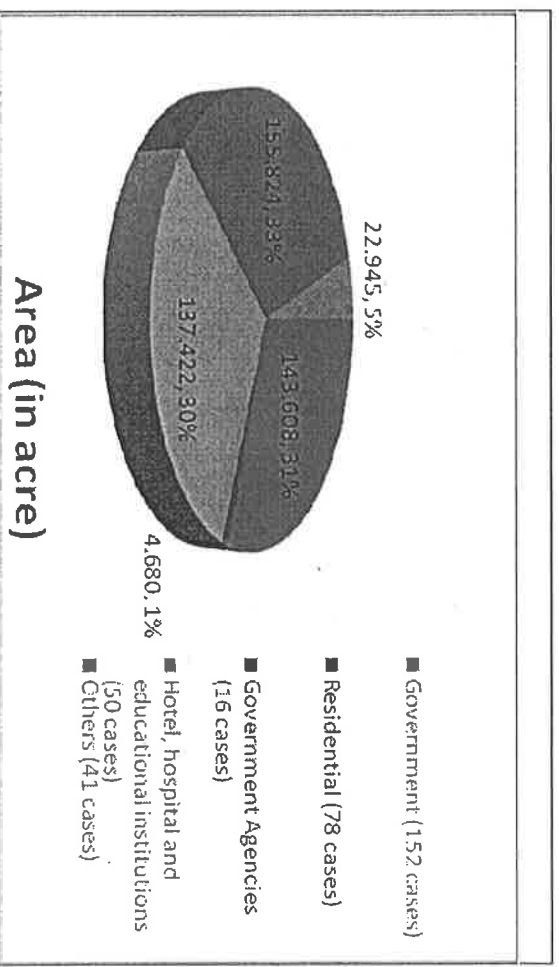
covering an area of 135 sq km (33359.226 acre) and at present, Government land measuring 15525 acre under Bhubaneswar Municipal Corporation is managed by the GA Department. The management of land by the GA Department includes allotment of land to individuals, institutions, organisations, Government departments for residential, industrial, commercial and other developmental purposes.



During 2000-12, the GA Department allotted 464.479 acre land in 337 cases. The sector wise area allotted is indicated in the chart below.

Chart 1

Chart showing sector wise allotment of Government land by GA Department during 2000-2012

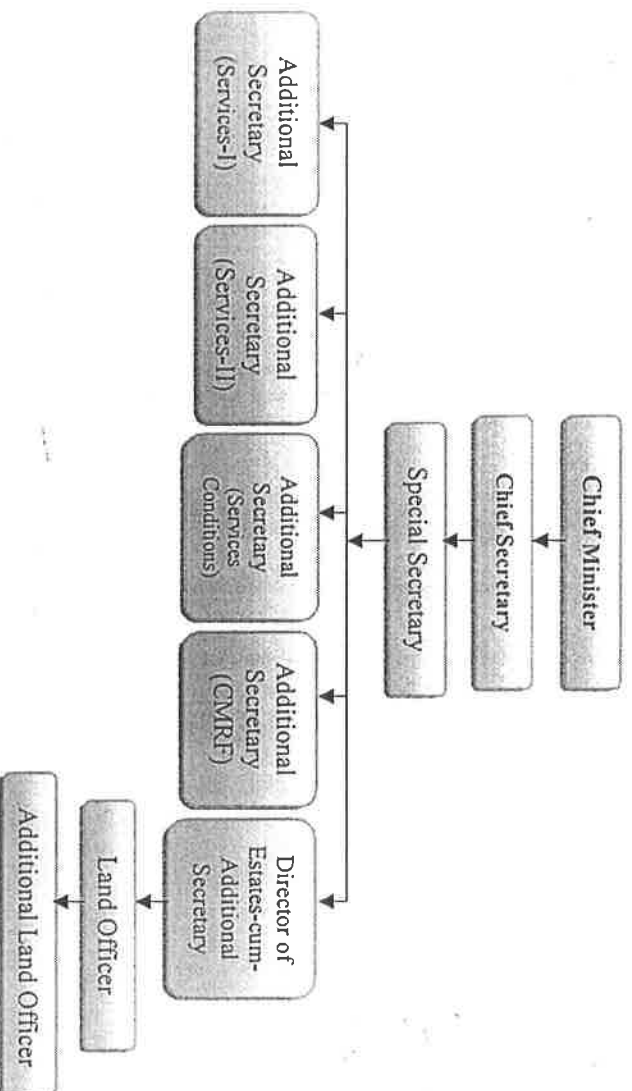


**2.1.2 Organisational Structure**

The General Administration Department is headed by the Chief Secretary who is assisted by a Special Secretary, a Director of Estates and ex-officio Additional Secretary, Land Officer/ Additional Land Officer (three) and other supporting staff. The Organisational Chart of the Department is given below

Chart-2

Organisational chart of GA Department



The powers and duties of the officers associated with allotment of land are detailed in *Appendix 2.1.1*.

**2.1.3 Process of land allotment**

No rules, regulations and manuals were prescribed by the Government defining the criteria and procedure for allotment of Government land under the Bhubaneswar Municipality Corporation (BMC) area by the Department. In absence of prescribed procedure in disposal of application for allotment of land, the receipt of application were regulated through a procedure in GA Department directly or through concerned Administrative Departments, Chief Secretary(CS) and sometimes through the Chief Minister(CM). However, the Director of Estates stated (October 2012) that after applications are received, the Revenue Inspector (RI) has to visit the sites and identify the locations in view of the requirement of the applicants followed by a visit by the Director of Estates. The applications are then forwarded to the Site Selection Committee (SSC)<sup>1</sup> for recommendations. In case of allotment of land at concessional

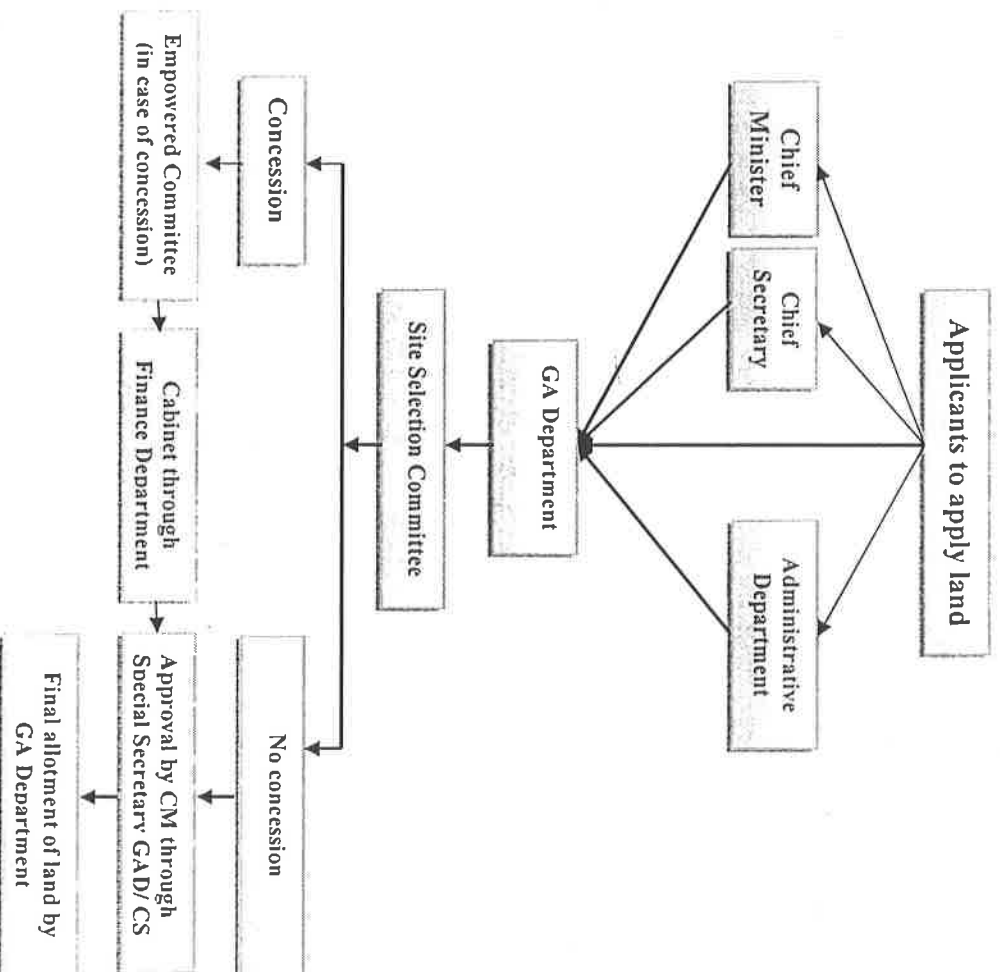
<sup>1</sup> The SSC earlier formed with the Director of Estates (Chairman), Chief Architect of the Government, Planning Member BDA and the Director, Town Planning (members). The Committee has been reconstituted w.e.f. December 2011 comprising Chief Secretary (Chairman), the Special Secretary, GA Department (Member Convener) and the Secretaries of Finance Department, Law Department,

rates, the applications, after recommended by the SSC, are also scrutinised by the Empowered Committee<sup>2</sup>, constituted in November 2000 and subsequently by the State Cabinet. Finally, all the applications being routed through Special Secretary, Chief Secretary are approved by the Chief Minister. The GA Department, after necessary approval allots the land only on lease basis for a period of 90 years through execution of a lease deed with the instruction to utilise the land for the specific purpose, within a specified period failing which the lease was to be determined (cancelled) and land resumed by the GA Department.

A flow Chart indicating the process of allotment of Government land is given below

Chart 2:

Flow Chart of allotment of Government land by GA Department



Revenue and Disaster Management Department, and Housing and Urban Development Department (members)

<sup>2</sup> Empowered Committee constituted in November 2000 with five members including Development Commissioner, Commissioner-cum Secretary, School & Mass Education Department, Commissioner-cum Secretary, Culture Department, Special Secretary, GA department and Deputy Secretary, Finance Department

**2.1.4 Why we conducted this Audit**

The GA Department, as per the Odisha Government Rules of Business, is the Administrative Department responsible for management and allotment of land on lease basis in the capital city of Bhubaneswar. The Department has been allotting Government land for different purposes. Large number of buildings like hospitals, hotels and educational institutions etc. have been coming up in the capital city on Government land and the price of land as per the revenue records of District Sub Registrar (DSR) is continuously increasing, reaching ₹ 11 crore per acre (Jayadev Vihar) in 2012. The State Government has not adopted any Land Policy for prioritisation and utilisation of land in the capital city. Since land is a scarce and valuable resource, absence of a defined policy indicated a risk area meriting audit. There were also repeated media reports on allotment of land without any stated criteria in Bhubaneswar to various institutions and individuals as well as land not being used for intended purpose. Performance Audit on this issue was, therefore, taken up to assess whether policies and procedures in allotment of land in Bhubaneswar were in place and working effectively in ensuring optimum utilisation of land and protecting the revenue interests of the State.

**2.1.5 Audit objectives**

The Performance Audit was conducted with a view to assess whether:

- any long term strategic plan/ land use plan for the allotment of Government land was in place and if so, whether implemented in an effective manner;
- any policy and procedure was in place to ensure uniform, transparent and equitable allotment of land after properly assessing the need of the applicants and was followed consistently;
- land pricing policy was in place, operational and was followed to ensure optimum realisation of revenue;
- effective mechanism existed to detect all cases of encroachment of government land and when detected, such land was immediately vacated and resumed; and
- monitoring mechanism was in place and was effective to ensure that the land allotted was utilised for the intended purpose and to resume such land in case of protracted period of non-use or misuse.

**2.1.6 Audit criteria**

Audit criteria were derived from following documents:

- Government Grants Act, 1895, Odisha Government Rules of Business, The Orissa Government Land Settlement (OGLS) Act, 1962 and The Orissa Government Land Settlement(OGLS) Rules, 1983;
- Benchmark valuation (applicable w.e.f December 2009) by Revenue Department, Sale Statistics in the Government offices (applicable prior to December 2009);

- Instructions and circulars issued by the State Government and judicial pronouncements;
- The Orissa Prevention of Land Encroachment Act 1972 and The Orissa Prevention of Land Encroachment Rules 1985, The Orissa Public Premises (Eviction of Unauthorised Occupants) Act 1972 and The Forest (Conservation) Act 1980.

### 2.1.7 Scope and Methodology of Audit

Performance Audit was conducted during March to July 2012 covering the allotments of Government land made by the GA Department during 2000-2012. Audit selected 167<sup>3</sup> cases (50 *per cent*) out of 337 cases of allotment on the basis of Stratified Random Sampling Without Replacement method. Of the remaining 170 cases, 15 cases were selected as an additional sample on judgmental basis due to perceived high level of risk, thus, leading the selected sample to a total of 182 cases. The sample also included one case on Kalamandal project which has already been reported vide *paragraph 3.1.3.2* of Audit Report (Civil) for the year ended 31 March 2011.

Audit objectives, criteria, scope and methodology of audit were shared with the Special Secretary, GA Department in the presence of the other departmental officers in an Entry Conference held on 29 February 2012 and agreed to by the Department.

Audit examined the records of GA Department, minutes of the meetings of SSC; Empowered Committee and the records of the District Sub Registrar, Khurda and Sub Registrar, Khandagiri for collection of sales statistics under BMC area. Joint physical inspection of allotted land in 98 cases was also conducted in the presence of authorised representatives of the Department and photographs were taken as audit evidence, wherever considered necessary. Replies received from the Department on audit findings were suitably incorporated in the report.

Audit findings were discussed in an Exit Conference held on 16 January 2013 in the presence of the Chief Secretary and the views of the Government are appropriately incorporated in the report.

### 2.1.8 Limitations in Audit

Out of 182 allotment (444.529 acre) cases requisitioned, only 164 case (424.200 acre) records were produced to Audit and the remaining 18 records (*Appendix 2.1.2*) were not produced despite repeated persuasion and reminders and assurance by the Government. In the absence of these records, allotment of 20.329 acre of land valued at ₹ 23.29 crore<sup>4</sup> could not be scrutinised. Audit findings in respect of 164 (49 *per cent*) cases of allotment are discussed in succeeding paragraphs.

<sup>3</sup> 103 cases (100 *per cent*) for allotment of land above one acre, 14 cases (50 *per cent*) in between 0.500 acre to one acre and balance 50 cases (25 *per cent*)

<sup>4</sup> As per the market value at the time of allotment of land of Bhubaneswar

## 2.1.9 Audit findings

### 2.1.10 Policy and procedures governing allotment of land

During 2000-12, GA Department allotted 464.479 acre land. Despite such a huge volume of land being allotted during the period, there was no policy or procedure framed by the Government for allotment of Government land in Bhubaneswar. It was observed in Audit that apart from GA Department, various other Government authorities in Bhubaneswar; such as Bhubaneswar Development Authority (BDA) and Odisha Industrial Infrastructure Development Corporation (IDCO); were also allotting land for similar purposes *i.e.* educational institutions, hotels and hospitals. However, there was no clear demarcation regarding jurisdiction for allotment by these authorities.

On being enquired about the criteria for allotment of land, the Special Secretary, GA Department stated (September 2012) that the allotment of Government land in BMC area was governed by the Government Grants Act, 1895 (GG Act). It was also stated that some land was allotted for establishment of hotels which was recognised as industry generating substantial employment and for setting up hospitals for providing quality health services in the city.

It was, however, observed that GG Act only clarifies the authority of the State Government to allot land. It does not prescribe any objective criteria or guidelines for guiding the exercise of powers under the Act. Further, no rules have been framed under the Act by the State Government. Section 3 of the Act gives discretion to the State Government to allot/ cancel leases. It is this discretion that the State Government in the GA Department has been exercising to allot Government land.

In the absence of any stated policy or rules, Audit considered the Orissa Government Land Settlement Act, 1962 (OGLS Act) as one of the criteria to evaluate the performance of the GA Department in discharging its role in allotment of land. Further, audit also found several references to the OGLS Act in the GA Department files as well as in the Rules of Business (RoB) of the Government of Odisha framed for the administration of Government land by GA Department.

The GA Department stated (January 2013) that only the GG Act was applicable to the process of allotment of land and that the OGLS Act was not applicable. This stand was reiterated during the Exit Conference.

In the absence of any rules framed under the GG Act and lack of stated criteria to guide the discretion of the State, the process of allotment of land was prone to arbitrariness and lack of transparency. Since the OGLS Act and rules framed there under clearly spell out the procedure for settlement of Government land, Audit relied on the OGLS Act as one of the criteria for this Audit.

However, the replies of the GA Department and the views of the Government were considered and suitably incorporated in the report.

### 2.1.10.1 Functioning of Committees for land allotment policy

The Government in Parliamentary Affairs Department constituted (September 2008) a Cabinet Sub-Committee for formulation of land allotment policy. The said Committee was further reconstituted (December 2009) under the Chairmanship of the Minister, Revenue & Disaster Management with the Special Secretary, GA Department as the Convener and other three<sup>5</sup> ministers as members/ special invitee of the committee. The mandate of the Committee was to formulate Government land allotment policy for Bhubaneswar, give proposals for sale of surplus Government land in Bhubaneswar, review the matter of unauthorised constructions and suggest appropriate measures for providing affordable housing to different categories of persons within the BMC area. During audit, it was observed that neither the previous Committee nor the subsequent one had given any proposal on the assigned matters. Proceedings of the Committees were also not available. Due to lack of initiative, no land allotment policy has been framed till date so as to regulate use of valuable land. Further, the GA Department has also not formulated any specific land use plan like Strategic Plan, Annual Plan, Development Plan etc. since 1952, when the land were transferred to GA Department (erstwhile Cabinet Department).

The GA Department replied (February 2013) that the Department had prepared a Land Allotment Policy which was placed (January 2013) before the Cabinet Sub Committee. However, during the period of audit coverage from 2000-12, the Department functioned without any policy in place.

### 2.1.10.2 Absence of comprehensive database on Government land

For effective management of Government land, with rapidly increasing market value in BMC area, it was important to have a complete, accurate, reliable and updated database in respect of actual availability of Government land and its status to the extent of land alienated/ leased out or encroached upon. It was noticed that, though, the GA department maintained a web page based Land Management Information System, it did not reveal vital information as stated above. Basic data such as allotment of land through alienation/lease indicating serial number of application, date of application, name and address of the lessee, area leased, purpose, terms and conditions of allotment, amount of premium charged and paid and land use status etc., as necessary under OGLS Rules 1983 (Rule 5) were not available in the GA Department.

The Department stated (January 2013) that 15525 acre of Government land under BMC area were available and that a database on availability of land, allotment of land, cases of encroachment of Government land etc., was available in the Department and steps were being regularly taken to update the existing database as and when necessary. However, the Department failed to show the database to Audit.

<sup>5</sup> Minister of Industries, Steel and Mines, Parliamentary Affairs, Minister of Law and Rural Development, and Minister of Housing and Urban Development as the special invitee

### 2.1.10.3 Non-categorisation of land for different users

In order to have proper town planning, Rule 3 of OGLS Rules 1983 stipulates that the Government land in urban areas shall be arranged in such divided plots that straightness of the streets, safeguarding against overcrowding and suitable provision for drainage can be ensured. Further, the plots in urban areas were to be divided into five categories like: (i) land reserved for poor people, (ii) land reserved for middle class people, (iii) land required for future requirement of Government and other public purposes, (iv) land to be settled by public auction, and (v) land to be reserved for setting up small and medium scale industries. As the Department did not categorise the Government land available at different locations under Bhubaneswar Municipal Corporation (BMC), no land was reserved for the urban poor, thereby, depriving them of the opportunity to settle in the capital city though their presence was essential for the general interest of the public and business, trade and profession or any other legitimate reasons directly connected with their livelihood. In absence of earmarked area for urban poor, the possibilities of encroachment of Government land and development of slum in Capital City cannot be ruled out. The BMC, in collaboration with United States Agencies for International Development (USAID) under Fire (D) project, identified (August 2009) 377 slums developed under BMC area with a population of 3.09 lakh. In this background there was no option but for significant population living in slums to co-existed with urban poor in the city.

Further, it was observed in 63 (154.473 acre) out of 164 (424.200 acre) test checked cases where the allotments was made on *suo-motu* application by various private organisations for hotels (9), hospitals (14), educational institutions (14), individuals (12) and others (14)<sup>6</sup>, did not belong to the categories (i), (ii), (iii) and (v) mentioned above.

The Department replied (January 2013) that categorisation of Government land for different purposes was not done since there was no provision in the GG Act.

As mentioned earlier, the GG Act only clarifies the authority of the State Government to allot land. No rules have been framed under this Act. The reply of the Government that it was under no obligation to earmark Government land for different land use categories under the said Act is, thus, not tenable.

### 2.1.10.4 Multiplicity of agencies in land allotment process

The Government has not framed any policy and procedure for allotment of Government land in Bhubaneswar. As a result, multiple bodies like Bhubaneswar Development Authority (BDA) and Odisha Industrial Infrastructure Development Corporation (IDCO) and GA Department itself were allotting land for similar purposes.

<sup>6</sup> POSCO, Nayapalli community Care Association, Punjabi Arya Sanatan Biladri, Gurukula, Society of Nature Education and Health, Apejay group IAS officers Wives Association, Bhubaneswar club, Vivekananda Rock Memorial, CYSO (NGO), Sriram Krishna Ashram, LIC HFL Care Home Limited, Neelachal Ispat Nigam, OMSA.



Audit scrutiny revealed that though the GA Department was leasing land to IDCO for industrial purposes and to BDA for residential purposes, they were in turn allotting land to educational institutions, hotels and hospitals, which was done directly by the GA Department as well. Details of land allotment by these bodies to hotels, hospitals and educational institutions are given below:

Table 1: Statement of land allotted in Bhubaneswar by different authorities during 2000-12

Name of the Allottee	Educational Institutions	Hotels		Hospitals	
		Area (Acres)	Number of cases	Area (Acres)	Number of cases
GA Department	40.120(22)	22.448	(11)	93.901	(17)
IDCO	175.377 (64)	19.068	(53)	12.139	(04)
BDA	Nil	Nil		19.700	(01)
<b>Total</b>	<b>215.497(86)</b>	<b>41.516</b>	<b>(64)</b>	<b>125.740</b>	<b>(22)</b>

Source: Information compiled by Audit

As may be seen from the above, all these authorities have been allotting land for similar purposes in Bhubaneswar. In the absence of any demarcation of responsibilities in allotment of land to different sectors, applicants applied to each of these authorities in order to acquire valuable land in the State capital for similar activities or projects. There was no coordination and unified approach among the above three authorities in allotting land which were under their possession and the lands were allotted at the discretion of the authorities concerned, without any stated principles or criteria.

The GA Department replied (January 2013) that it was allotting land to different agencies including BDA and IDCO as per (GG) Act, 1895 and these organisations allotted the land available with them under different Acts.

The reply confirms the audit contention that there were multiple authorities in respect of allotment of land in Bhubaneswar for similar purposes.

### 2.1.11 Allotment of Government land

As per procedure followed for allotment of land on lease basis by the GA Department, applications, after being processed are placed before the SSC for examination and recommendation. In case of concession of premium, the matter is referred to the Empowered Committee for recommendation. Finally, the allotment case is approved by the Chief Minister. The process of allotment has been described in *Paragraph 2.1.3* in detail.

Issues relating to the process of allotment of land by Government are discussed below:

#### 2.1.11.1 Time taken for disposal of applications

Rule 5 of OGLS Rules 1983 stipulated the form and manner in which an application for settlement of Government land was to be made which *inter alia* mentioned that an application received was to be entered into a register chronologically, cause a verification to be made in respect of each such application with reference to the existing record of rights, maps and then ascertain the eligibility to get the land for the purpose for which applied.

Audit observed that the department was not maintaining any register documenting the list of applications received, considered for allotment and actually allotted or rejected. No particular principle was being followed in disposing the applications for allotment of land. Audit further observed that the time line for process of allotment was not uniform, transparent and lacked any policy and procedure. Out of 164 cases test checked, it was observed that the lands were allotted in 63 cases to individuals and private institutions of which 16 cases were disposed of within a year while 47 cases were disposed within a period from one to even 24 years as shown in table below:

**Table 2: Statement showing the period of disposal of allotment cases**

Category	Less than one year	1 to 5 Years	5 to 10 years	Above 10 years	Total
Hospitals	5	8	0	1	14
Educational institutions	3	8	2	1	14
Hotels	3	6	0		9
Individuals	0	6	1	5	12
Others	5	7	0	2	14
<b>Total</b>	<b>16</b>	<b>35</b>	<b>3</b>	<b>9</b>	<b>63</b>

*Source: Compiled by Audit from records of GA Department*

Audit noticed that out of 16 cases where land was allotted within a year, the GA Department allotted land in four cases within three months, though no public purpose was served. Similarly out of 47 delayed cases of more than one year, two schools were not given allotment even after seven years and in one case, allotment was delayed for a period of 24 years after receipt of their application. The time taken for allotment in these cases is tabulated below:

**Table 3: Statement showing time taken in allotment of land in seven cases**

Sl No	Name of allottee	Date of application	Date of allotment	Time taken	Area allotted (in acre)
1	Root Corporation Limited	18.10.2004	04.12.2004	47 days	1.708
2	South Pac Hotel Private Limited	03.11.1998	28-12-1998	56 days	1.010
3	May Fair Hotel & Resort	17.12.1999	26.02.2000	71 days	3.237
4	Sri Narasingha Mishra	13.12.1999	07.03.2000	85 days	0.041
5	Ekamma Saraswati Sishu Mandir, Kapila Prasad	11.11.2000	09.05.2008	7 years 6 months	1.005
6	Blossom School, Bharatpur	30.08.2000	28.05.2008	7 years 9 months	1.000
7	Lt Col P C Jena	01.03.1986	26.04.2010	24 years	0.055

*Source: Compiled by Audit from records of GA Department*

Further, in respect of Roots Corporation Limited, a subsidiary of Indian Hotels Company Limited applied (18 October 2004) for allotment of land in Samantapuri to develop a hotel. The SSC recommended (23 November 2004) allotment of 1.708 acre land, which was approved by the Government (December 2004) without ascertaining the prevailing land price in that area and the allotment was made in favour of Roots Corporation Ltd. The entire process from receipt of application to allotment was finalised within 47 days. The hotel is run purely on commercial basis and charging lease premium at ₹ 75 lakh per acre against the prevalent market value of the land of ₹ 2.25 crore per acre was not judicious.

In contrast Ekamra Saraswati Sishu Mandir at Kapila Prasad applied (November 2000) and Blossom School at Bharatpur applied (August 2000) for allotment of land for school, were allotted 1.005 acre and 1.000 acre respectively in May 2008 i.e. after a span of more than seven years.

The Department while confirming the facts stated (February 2013) that since the nature of cases varied widely, the time taken for disposal of cases was not uniform. The Department cited some of the reasons for delay in allotment as unwillingness of the allottee to accept the site selected, need for eviction in case of encroachment at selected site and applicants' oral request to delay the process of allotment in view of their financial position. The Department also stated that delays in cases that are more than ten years old cannot be explained without an enquiry to ascertain unrecorded facts and circumstances applicable to those cases. Further, it also consider oral requests from applicants to delay allotments.

The reply is not tenable as the site is identified by the Site Selection Committee considering larger public interest and it cannot be a prerogative of the applicant. Lack of an effective enforcement mechanism for eviction cannot be a cause for delays in allotment. Also, the encroached land should not have been selected in the first place. Not only is the possession of the land unauthorised, it also denies the use of land in the public interest.

### 2.1.11.2 Allotment of land violating earmarked land use zone

Section 3 of OGLS Act 1962, empowered the Government to reserve land for residential, commercial, industrial or other purpose. But, the GA Department did not earmark any area in the capital city for these purposes for the land under its possession. However, Comprehensive Development Plan (CDP) prepared by BDA was to be referred by the GA Department before allotment to ascertain the land use zone prescribed by BDA. Out of 164 cases of allotment test checked, it was observed that in seven cases (four cases for hotel purposes, one case each for Guest house, housing project and individual allotment), 21.430 acre of land were allotted in deviation of the land use zone (six cases) and category of the land (one case). Details are given in the following table.

**Table 4: Statement showing details of change in land use zone**

Sl No	Name of allottee	Area allotted (in acre)	Purpose for which land allotted	Name of the zone as per CDP
1	Laxmi Franklin Hospitality Private Limited.	1.000	Hotel	Open Space use zone
2	Cabana Hotel Management Private Limited.	7.541	Hotel-cum-hospitality and Business Management Institute	Horticulture use zone
3	ITC Sonar Bangla Sheraton Hotels and Towers	5.124	Hotel	Horticulture use zone
4	Hotel Ambassador International/South Pac	1.010	Hotel	Residential
5	POSCO India Private Limited.	1.700	CMD residence-cum-Guest house	Commercial use zone
6	LIC HFL Care Homes Limited.	5.000	Housing project	Commercial use zone
7	Sarthak Behuria and Brothers	0.055	Residential	Road kissam
	<b>Total</b>	<b>21.430</b>		

Source: Compiled by Audit from records of GA Department

Some of the cases where land use zone was not adhered are discussed below:

- Land measuring 1.000 acre for setting up a budget hotel was allotted (December 2006) to Laxmi Franklin Hospitality Private Limited without ascertaining the zone admissibility from BDA. Later when GA Department approached BDA, it intimated (May 2007) that the said area was earmarked for open space use zone in the CDP, thus, the construction of hotel was not permissible. However, joint inspection revealed (June 2012) that the construction on the allotted land was at the final stage. It was also observed that



Laxmi Franklin hotel allotted land in violation of land use zone

the Government, while extending this undue benefit, also sustained a loss of ₹ 1.29 crore in allotment of the land, as the market rate was not considered for allotment of such land.

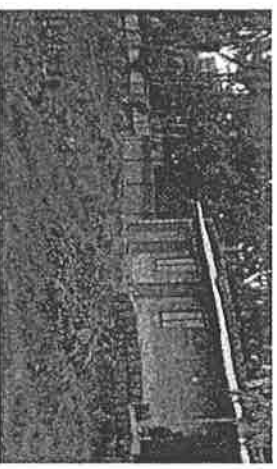
The Department replied (January 2013) that the said site which was earlier earmarked for open space was changed to institutional use zone in the new CDP where hotel use was permissible. The reply is not tenable as at the time of allotment (2006), the land use zone was open space and the new CDP was introduced from 2010 only.

- The Department allotted land measuring 5.124 acre to ITC Sonar Bangla Sheraton Hotels and Towers, Kolkata without ascertaining land use zone. Subsequently, when BDA was moved for allocating drawing number of the allotted plot to ascertain the land use zone, BDA declined (March 2009) to do so and stated that said site was earmarked for horticulture use with restriction in construction up to 10 metres height. The Department thus, not only disregarded the zonal regulations in allotment of land but also charged premium at a lower rate of ₹ 35 lakh per acre against the market value of ₹ 1.50 crore per acre resulting in a loss of ₹ 5.90 crore to the Government. The land is still vacant (June 2012).

The Department stated (January 2013) that it was allotted on the recommendations of the SSC in which the Planning Member of the BDA was also a member. The reply is not correct since the Department

only solicited the views of the Planning Member, BDA who was also a member of the Site Selection Committee. Deviation from zoning regulation on the basis of the individual views of Planning Member, BDA cannot be the basis for carrying out changes in land use plan *per se*, as it creates scope for arbitrariness.

- Upon an application for allotment of 2.000 acre land around Unit-8, Hotel Ambassador International was allotted 1.010 acre land as per recommendation of Government by changing land use zone from 'Residential' to 'Commercial'. The entire process of allotment was completed within 56 days and the applicant was allowed to pay premium at institutional rate (₹ 50 lakh per acre) against applicable commercial rate (₹ 75 lakh per acre), that too in eight installments as per its request. After one installment, the allottee requested to change the lease in favour of 'Hotel South Pac Private Limited', a company promoted by his family members for which approval was accorded and premium (₹6.32 lakh) already paid, was adjusted against the total premium of ₹50.50 lakh.



Photograph showing unused land allotted to 'Hotel South Pac Pvt. Ltd'

The lessee was required to complete construction by July 2003, it failed to do so. Due to non construction within the stipulated time, the allotment was required to be cancelled. The Government only issued a show-cause notice (February 2006) and took no other action. The Government instructed (May 2007) the lessee to complete construction within a year. However, despite this, the lessee received further extensions up to September 2012.

Besides, the company was extended undue benefit of ₹ 25 lakh by charging lease premium at ₹ 50 lakh per acre against the prevalent market value of the land of ₹ 75 lakh per acre.

The land continued to remain unused except construction of boundary wall and one small hut (October 2012). The State Government cancelled the lease (November 2012) and forfeited the premium and interest.

### 2.1.11.3 Allotment of additional land in phases

The Department had not prescribed any procedure to identify the adequacy of land requirement of the allottees. In the absence of a prescribed scale, the quantum of land allotted was without any basis or criteria. Audit scrutiny of 164 test checked cases revealed that in seven cases, lessees were allotted additional area of land without following any standard procedure. Allotment of 52.317 acre of land by the Department, as given in the table below, in a piece meal manner to the same applicants/ organisations indicated that the Department did not correctly assess the requirements of applicants.

Table 5: Allotment of land in phases

(Area in acre)

Sl no	Name of the applicant	Allotment period	Area allotted
1	Mayfair Hotel and Resorts Private Limited.	March 1998	4.500
		May 1998	1.985
		February 1999	0.515
		February 2000	3.005
		February 2000	0.232
		February 2005	2.872
2	Asian Hospitals and Research Centre	November 2006	3.600
		March 2008	4.160
3	Medirad Tech India Limited (Hemalata Hospital and Research Centre)	November 1999	1.876
		February 2000	0.550
		December 2005	0.168
4	Bhubaneswar Eye Research Institute	February 2004	5.000
		August 2004	5.000
		October 2010	0.608
5	ODM Public School	October 2006	1.000
		July 2009	1.646
6	Siksha O Anusandhan	July 2008	6.000
		May 2009	4.600
7	Advance Medicare and Research Institute (AMRI), Aiginia	June 2007	4.500
		August 2007	0.500
	<b>Total</b>		<b>52.317</b>

(Source: Compiled from records of GA Department)

Some of the cases where piecemeal allotment was made by the Department are discussed below:

- The GA Department allotted 10.237 acre of land in a prime location of the city (Jayadev Vihar) to Mayfair Hotels and Resorts Private Limited in five phases during March 1998 to February 2000 for construction of hotel buildings, quarters, mandap, sports complex etc. as indicated in table below:

Table 6 Allotment of land to Mayfair hotel in phases

Phases	Period of allotment	Plot Nos	Area in acre
1 <sup>st</sup> phase	March 1998	62 (Part), 63(P), 72(P) and 284(P)	4.500
2 <sup>nd</sup> phase	May 1998	62 (Part), 72(P) and 284(P)	1.985
3 <sup>rd</sup> phase	February 1999	62 (Part), 63(P)	0.515
4 <sup>th</sup> phase	February 2000	63(P), 64 (P)	3.005
5 <sup>th</sup> phase	February 2000	284(P)	0.232
<b>Total</b>			<b>10.237</b>

Source: Information compiled from records of GA Department

Scrutiny of records of the Department revealed that although the above hotel was already allotted 7.00 acre of land by February, 1999, the lessee again applied (December 1999) for allotment of 3.005 acre land for sports complex and 0.232 acre for construction of staff quarters despite allotment of 0.515 acre earlier (February 1999) for the same purpose. The GA Department however, allotted the land requested (3.237 acre) in February 2000.

It was noticed that the entire allotment was made within two years, with the last phase of allotment (3.237 acre) carried out within three months. Further, the land was allotted without obtaining the land use plan and the recommendation of the Administrative Department as well as SSC. The lessee was allotted the entire 10.237 acre land out of

forest “Kisam” (Jungle-2) land without the concurrence of the Central Government in pursuance to the Forest Conservation Act, 1980. Further the hotel was allowed to pay lease premium in eight equal half yearly installments without the approval of the Finance Department though required. The lessee was also extended undue benefit of ₹ 19 lakh due to charging of lease premium at ₹1.62 crore against the prevalent market value of the land of ₹ 1.81 crore.

The Department stated (January 2013) that the allotment was made for establishment of hotel in a phased manner considering the entrepreneurial capacity of the allottee. It was also stated that the kisam of allotted land was detected as forest after allotment and realisation of one installment. Further, steps were being taken for diversion of this land to non forest kisam. The reply is not tenable since the department has not defined the ceiling to allot the land for different category of hotels.

- As against an application for allotment of 13.760 acre land by Asian Hospital and Research Centre, the Department allotted 10.632 acre in three phases as detailed below

**Table 7: Allotment of land to Asian Hospital & Research Centre in phases**

Phases	Period of allotment	Plot Number	Area (in acre)
1 <sup>st</sup> phase	February 2005	332/1803	2.872
2 <sup>nd</sup> phase	November 2006	332/1882	3.600
3 <sup>rd</sup> phase	March 2008	332/1950	4.160
<b>Total</b>			<b>10.632</b>

*Source: Compiled by audit from records of GA Department*

Although the promoter was to set up the hospital by February 2008, i.e. within 36 months of the receipt of allotment order, the land continued to remain vacant as noticed during joint physical inspection (July 2012) of the site.

It was further observed that, undue favour was extended in allotment of land as neither the hospital/ organisation was registered nor land use plan was framed. The lessee was also extended undue benefit of ₹ 32.83 crore due to charging of lease premium at ₹ 25 lakh per acre against the prevalent market value of the land ranging from ₹ 2.44 to ₹ 4.44 crore per acre.

The Department stated (January 2013) that the said land was under litigation and the allottee along with the Government is contesting in the Apex Court to free the land from litigation to start the hospital project. The reply is not convincing since the Department was allotting land in phases, though the Department was aware that the land was already under litigation and the allotted land in first phase was not put to use.

#### 2.1.11.4 Improper grant of concession

The Department constituted (November 2000) an Empowered Committee (EC) to consider eligibility of applications received for allotment of land at concessional rate/ free of premium basis. The prescribed criteria for eligibility stipulated that

- the views of the concerned Department were to be obtained prior to the matter being placed before the Committee;
- the concession was to be to the extent of 25 per cent or 50 per cent of the premium rather than full waiver;
- the said concession should only be extended to institutions which would provide free service and there was no scope for making any kind of profit.

During scrutiny of 164 test checked cases, Audit noticed that undue favour was extended to three allottees ignoring the prescribed eligibility parameters in sanction of concession as mentioned below:

Table 8: Statement showing concession allowed in allotment of Government land (₹ in crore)

Sl No	Name of the allottee	Area allotted (in acre)	Rate of premium per acre	Premium to be charged	Percentage of concession allowed	Concession allowed
1	DAV Public School, Kalinga Nagar	2.000	0.25	0.50	50	0.25
2	Gurukul, Ghatikia	2.000	0.25	0.50	80	0.40
3	Bhubaneswar Eye Research Institute	10.000	0.25	2.50	80	2.00
	Total	14.000		3.50		2.65

Source: Compiled by Audit from records of GA Department

These cases have been discussed below:

- DAV Public school, Kalinganagar, applied (August 2001) for allotment of 3.461 acre land in Kalinganagar for construction of school building. Accordingly, the land was allotted (August 2003) by the GA Department at a premium of ₹ 50 lakh upon the recommendation of the SSC.

On receipt of allotment order, the school applied (December 2003) for concession and the Empowered Committee, acceded to 50 per cent concession of premium without obtaining the views of the concerned Administrative Department. The Finance Minister objected (November 2004) to the concession as the school was functioning in a commercial manner. However, the Government approved (September 2005) the concession and a fresh allotment order was issued (October 2005) at concessional rate, resulting in undue benefit of ₹ 25 lakh to the lessee. It was also noticed that another school (School of Integral Education, Bhimpur) which applied for concession, was denied without any



reasons in spite of the recommendation of the EC stating that quality education would be available in the area.

The Department stated (February 2013) that DAV was a public trust and not a profit making organisation. The reply is not tenable since the institution was running in commercial manner as observed and objected to by the Finance Minister.

- Application was received for 2-3 acre land for establishment of Gurukul (a music school) in Bhubaneswar. Tourism Department also recommended allotment of the land on the basis of which, the GA Department proposed (February 2003) allotment of 1.000 acre land in Kalinga Nagar, Ghatikia on the submission of detailed project report and land use plan by the applicant. The applicant then made a representation to the Government that one acre of land with communication facilities within BMC area would be sufficient. However, the SSC recommended (December 2003) allotment of 2.000 acre land in the said area. This recommendation was in the absence of a detailed land use plan for the said school and 2.000 acre land was allotted for Gurukul.

The lessee was also charged lease premium at ₹ 50 lakh against the prevalent market value of the land of ₹ 84.44 lakh. It was also noticed that just one day after the allotment (25 February 2004), the Empowered Committee (EC)<sup>7</sup> recommended concession up to 50 *per cent* of the premium without any such recommendation from the Tourism Department, which was further enhanced (August 2004) to 80 *per cent* by the Cabinet.

Thus, the applicant was given undue benefit through allotment of excess land in absence of detailed land use plan, sanction of concession on lease premium and charging of premium lower than the market value of land.

- One individual<sup>8</sup> applied (October 2003) to GA department for allotment of 10.000 acre land for establishment of Bhubaneswar Eye Research Institute (BERI) on the outskirts of Bhubaneswar. Accordingly, the Department submitted that land adjacent to the All India Institute of Medical Sciences at Sijua, which was beyond BMC area, would be most suitable for establishment of BERI. However, the Government on receipt of the above, enquired whether any land was available within a specified location (Chandrasekharpur area) in the city. The SSC recommended (December 2003) allotment of 5.000 acre land at Patia and reserve another 5.000 acre for expansion of the Institute. After the recommendation of the SSC, 5.000 acre land was allotted within four months.

<sup>7</sup> Committee members constituted/ Development Commissioner, Commissioner –cum Secretary, School & Mass Education Department, Commissioner-cum Secretary, Culture Department, Special Secretary GA department and Dy Secretary, Finance Department

<sup>8</sup> Dr Tara Prasad Das, Managing Director, LV Prasad Eye Hospital, Hyderabad

The GA Department charged a lease premium of ₹ 25 lakh per acre. However, the Empowered Committee recommended 50 per cent concession on the premium on the grounds that establishment of a super specialty eye care and research institute was in the interest of the people of Odisha. Later, the BERI requested for another 5.000 acre which was allotted (August 2004) at a concessional premium of 80 per cent by the Cabinet. Hence, 10,000 acre of land was allotted to the Institute.

Thus, the applicant was given undue benefit in the form of allotment of valuable land in prime location of the city, reservation of land for future use, and approval of 80 per cent concession on lease premium. Besides, the lessee was also extended undue benefit of ₹ 10.44 crore due to charging of lease premium at ₹ 50 lakh per acre against the prevalent market value of the land of ₹ 1.09 crore per acre.

The Department stated (February 2013) that all concessions have been given according to a Government Resolution (Number 15568) dated 09 November 2000, after careful consideration and within its competence as per Rules of Business.

The reply is not convincing since the concession was granted beyond the limit as well as conditions provided in the cited Resolution.

#### 2.11.1.5 Other miscellaneous issues

- As per Section-4 (1) (b)-(viii) of Manual 8 of Rules of Business, the SSC was constituted to examine the request for allotment of Government land for various purposes and recommend Government the eligible cases for consideration. But, it was observed that the Department arbitrarily allotted 112.157 acre land without approaching SSC in 19 cases.

The Department replied (February 2013) that the recommendation of the SSC was not binding on Government. The Committee was only a supporting mechanism and the Government may not accept the recommendation and may not require any recommendation as the same was not mandatory.

The reply is not tenable as the basis of reference to SSC cannot be arbitrary, even if reference to it is not mandatory. Besides, the role of SSC was also to recommend only eligible cases for consideration of allotment which was not ensured in these cases. Further, the reasons for referring applications to the SSC in some cases while not doing so in other cases have not been spelt out.

- The GA Department Resolution (November 2000) provided that the views of the concerned Administrative Department should be obtained before allotment of land to various organisations/ institutions. Audit scrutiny, however, revealed that 39.272 acre of land was allotted in 15

cases without obtaining the views of the concerned Administrative Departments.

The Department stated (February 2013) that where norms prescribed by Administrative Departments are available, separate reference to the Department is not necessary. The reply is not tenable since no reference was made regarding the standard norm prescribed by the administrative department, if any, while allotting the land.

- As per Rule 5 of OGLS Rules, 1983, before settlement of any lease, a proclamation is to be published widely to invite objections for settlement of land if any, from the public within 30 days. It was also held by the Government (October 2002) that it was necessary to publish an intimation in the local vernacular dailies for public knowledge and to invite objections and to process the case after the proclamation period of 30 days was over.

It was however, observed in all the test checked (164) cases that such proclamations were not published, thereby depriving the general public of the opportunity to air their objections and views on settlement of the land by the Government in favour of the applicants.

Audit also observed that since the Department allotted the land without publishing the proclamation, in four cases petitions were filed after allotment of land.

- The Government had not made any definite policy for discretionary allotment of Government land in respect of sports persons. In absence of the above, exact categories of sports persons, their achievements and quantum of land to be allotted was not spelt out. Instead, benefits were extended at the discretion of the Government on a case to case basis, which was prone to arbitrariness. During scrutiny it was observed that out of eight sports persons allotted with government land, six were allotted (2009 and 2011) with 0.055 acre of land each while two<sup>9</sup> were allotted (2009) with 0.110 acre each. In absence of any policy or criteria, the allotment of land was arbitrary and discriminatory.

### 2.1.12 Pricing policy, fees and fines

The GA Department was allotting land on lease basis on payment of lease premium to individuals, institutions and organisations for residential, industrial, commercial and other purposes and free of cost to other State Government Departments for setting up public utilities. Allotment of land by GA department was characterised by various irregularities as discussed in previous chapter. Further the allotment also featured charging premium at low rates without safeguarding the financial and socio-economic interest of the State as discussed in succeeding paragraphs.

<sup>9</sup> Shradhanjali Samantray and Anuradha Biswal

### 2.1.12.1 Non application of market value of land in allotment process

Section-3(b) of OGLS Act, 1962 read with Land Acquisition Act 1894 stipulated that the premium on leased land was required to be charged based on the market value of the land and some other guiding factors such as locational advantage, area of the plots etc. Further, as per Rule 8 of OGLS Rules 1983, the fixation of premium was to be based on the market value in the vicinity and revised every three years with the approval of the Revenue Divisional Commissioner.

Audit scrutiny revealed that although the premium was to be revised every three years, the GA Department had not revised the rate of lease premium of Government land under BMC area for a period of 11 years i.e. from May 1998 to December 2009. Despite approval being accorded to the proposal for revision of premium by the Government in October 2002, the GA Department neither revised the rate of premium nor applied the highest sale value (as an indicator of market value) of the land as recorded by the District Sub-Registrar, Khurdha/ Sub Registrar, Khandagiri at Bhubaneswar while allotting Government land. Even though the Government (Revenue & Disaster Management Department) introduced a bench mark value (a floor price, not the market value) in 2008, the GA department applied this bench mark value for payment of lease premium only from December 2009 onwards. Thus during 2000-2009, the department charged premium from the allottees at a far lower than the market value prevailing at the time of allotment, thereby resulting in loss of ₹ 251.92 crore in allotment of 172.186 acre land in 70 cases as detailed in *Appendix 2.1.3*. This loss is exclusive of loss on account of allotment of undeveloped land (110.712 acre) to BDA and IDCO during the period at premium fixed in May 1998 for which comparable price are not available.

The Department stated that the proposal for revision of premium was referred to the State Cabinet in 2004 which was deferred in their meeting on 28 September 2005 and that the GA Department was charging the benchmark value fixed by the Government since May 1998 to December 2009.

The reply is not tenable as the GA Department did not take any proactive steps to revise the premium for 11 years, despite the fact that the value of land in the capital city was continuously increasing during the period. As a result, there was a significant difference between the premium charged and the market value of land, which only served to increase scope for arbitrariness in the allotment process of valuable land resource.

### 2.1.12.2 Non categorisation of land to be auctioned

As per Rule 3(3) of OGLS Rules 1983, land in urban areas should be categorised into five<sup>10</sup> categories, which included one category of land to be settled by public auction.

<sup>10</sup> Land reserved for (1) poor class people, (2) middle class people having no house sites, (3) future requirements of Government and other public purposes; (4) land to be settled by public auction and (5) for establishment of small and medium scale industries

Further, every action / decision of the State to confer benefits, such as allotment of land, must be founded on a sound, transparent, discernable and well defined policy, which should be made known to the public by publication in the official gazette and other recognised modes of publicity.

Scrutiny of records relating to 164 test checked cases revealed that the GA Department did not categorise the land under its possession. During 2000-12, 154.473 acre land was allotted to private persons for various commercial activities, thus, the same should have been put to auction which was not done.

It was observed during audit that the GA Department allotted (April 2001) land admeasuring 25.500 acre (Chandrasekharpur 13.000 acre, Gadakana 7.500 acre and Damana 5.000 acre) to BDA for residential and commercial purposes. BDA later on decided to develop the said land by way of PPP (Public Private Partnership) mode by inviting bids. The value of the land during 2011 as per bench mark value (considered for allotment of Government land) worked out to ₹ 90.80 crore<sup>11</sup>. BDA invited bids for the development of above land and awarded the contract for a sum ₹ 433.80 crore. Thus, the market value of the land which was ₹ 433.80 crore, was worked out to ₹ 90.80 crore (as per the methodology by the Government) which indicated that the market valuation is 4.78 times more than the bench mark valuation done by the Department. It was observed that during 2000-12, the Department allotted 154.473 acre land at ₹ 239.43 crore to private parties (*Appendix 2.1.4*) for which the Government did not follow any defined policy/ principle and the allotment was made arbitrarily without any auction as well as without intimating the public at large. Considering the prevailing market valuation being 4.78 times more than the bench mark valuation, the department has foregone the opportunity to earn substantial revenue due to non auctioning of land.

It is pertinent to mention that in various judgments of Hon'ble Supreme Court (SC), it was held that there cannot be any policy of allotting land without an invitation or advertisement by the State. Further, entertaining applications made by individuals, organisations or institutions for allotment of land, the State cannot exclude other eligible persons from lodging competing claims. Once a piece of land is earmarked or identified for specific purposes, allotment must be done in a manner consistent with the doctrine of equality and an advertisement incorporating therein the conditions of eligibility should be issued so as to enable all eligible persons, institutions/ organisations to participate in the process of allotment.

<sup>11</sup> Bench mark value of BDA land for 25,500 acre at 2011 cost for (at Chandrasekharpur) @ ₹ 4,95 crore X 13 acre, at Damana @ ₹ 2.20 crore X 5,000 acre and at Gadakana @ ₹ 2,0625 crore X 7,500 acre)

2.1.12.3 Arbitrary charging of premium

In five out of 164 test checked cases, it was noticed that the Department without adopting any uniform procedure charged different rate of premium on the same category of allotments, as could be seen in table below:

Table 9: Charging of premium at different rates for same category of allotment

Category	Name of the allottee	Locality	Period of allotment	Area allotted (in acre)	Premium per acre (₹ in lakh)
Medical institution	Asian Heart institute & Research Centre	Chandrasekharpur	2005-2008	10.632	25.00
	Utkal Health Care	Chandrasekharpur	2008	2.500	35.00
	Thakur Anukul Chandra Carivable Hospital	Chandrasekharpur	2004	2.000	25.00
Hotel	Mayfair	Jayadev Vihar	2000	3.237	50.00
	Rashmi Plaza	Jayadev Vihar	2008	0.965	75.00

Source: GA Department

As mentioned above, Utkal Health Care Private Limited was charged premium at the rate of ₹ 35 lakh per acre for allotment of 2.500 acre land during 2008 where as Asian Heart Institute and Research Centre (AHIR) was charged premium at the rate of ₹ 25 lakh per acre for allotment of 10.632 acre land during 2005 to 2008, although in both cases the land were situated in same locality (Mouza Chandrasekharpur) and were allotted for the same purpose. Thus, the Department charged premium arbitrarily even to the same category of applicants.

The Department stated (February 2013) that AHIR and Thakur Ankul Chandra Hospital were allotted at institutional rate and Utkal Health Care being a commercial concern was charged at commercial rate.

The reply is not convincing since all the three allottees were hospitals and should have been charged at commercial rates as applicable to hospitals.

2.1.12.4 Realisation of outstanding premium and interest

As per the conditions laid down in the land allotment order of GA Department, the lessee was required to pay the premium within sixty days from the date of receipt of the allotment order to avoid cancellation and in cases where the premium was paid in installments, interest at the rate of 12<sup>1/2</sup> per cent per annum was to be charged on the outstanding balance.

We noticed in eight out of 164 test checked cases that premium of ₹ 9.66 crore (Appendix 2.1.5) remained outstanding against the lessees as of March 2012. Out of these, period of pendency of premium was more than one year in two cases, more than 2 years in one case and more than three years in two cases.

<sup>12</sup> 15 per cent with effect from August 15, 2000

- One such case was that the Lord Jagannath Mission Trust applied (August 2007) for allotment of land in Chandrasekharpur for Vivekananda Shiksha Kendra established by the trust. SSC recommended (January 2008) allotment of land measuring 1.000 acre to Lord Jagannath Mission Trust for this purpose at a premium of ₹ 25 lakh per acre, stipulating that the premium was to be deposited within a period of 60 days from the date of issue of allotment order, failing which the order would stand cancelled. But the allottee deposited the premium in pay order after 11 months (September 2010) of issue the order. However, the Department directed (May 2011) to deposit the premium as per the benchmark value (applicable from December 2009) of ₹ three crore (at ₹ three crore per acre) and returned the pay order of ₹ 25 lakh which was deposited by the allottee earlier. The lessee did not deposit the revised premium to the Department (October 2012).

Despite non-payment of premium within the permissible period, the Department did not cancel the allotment of land. This was analogous to the allottees enjoying the economic value of those lands without having to pay the requisite amount of premium. Also, due to delay in payment of premium, interest of ₹ 21.51 crore (*Appendix 2.1.5*) has become due which also remained unrealised, as appropriate action in this regard was not taken by the Department.

The Department stated (January 2013) that interest is charged on outstanding premium from the date of default. The fact however, remained that there was pendency of premium for period ranging between one and three years.

#### 2.1.12.5 Miscellaneous issues

- Revenue and Excise Department order (May 1963) mandated that the annual ground rent on leased out land in all cases should be equal to one *per cent* of the market value of the land. The lessee was required to deposit the annual ground rent in the office of the Tahasildar concerned. The GA Department in lieu of endorsing the order of Revenue and Excise Department in respect of collection of annual ground rent on land, fixed (May 1998) ₹ 300 per acre *per annum* for the land leased under Bhubaneswar City. This rate has not been revised to date. Lack of periodic revision of ground rent in the capital city area has led to a significant potential loss of revenue to the GA Department. The issue regarding revision of ground rent needs to be addressed since it has a financial impact.

- As per the GA Department resolution<sup>13</sup> (July 2003), the conversion fees for converting leasehold land to the freehold land was to be charged at the rate of 10 *per cent* of the current premium in case of vacant plots and 20 *per cent* of the current premium in case of land used for institutional or commercial purposes.

<sup>13</sup> (8305 CA dated 18 July 2003)

Audit observed that, in three out of 164 test checked cases, the prevailing market value was not taken into consideration while determining the conversion fees leading to loss of revenue of ₹ 41 lakh.

- GA Department stipulated (April 2006) that a consent fee should be charged at 75 *per cent* of the prevailing premium in case of transfer of leasehold land (with building as per approved plan), by way of sale or gift within BMC area with effect from 16 April 2006. It was observed that in case of Hotel South Pac Private Limited, consent fee was not charged though the leasehold land was transferred in the name of another legal entity. The Government thus, suffered a loss of ₹ 51 lakh due to non charging of consent fee in deviation of its own stipulation on transfer of leasehold land.

- Rule-6(i) of Odisha Treasury Code Vol-I prescribed that Government dues collected was to be deposited into the Treasury within three days from the date of receipt. It was observed that in 30 out of 164 test checked cases, the lessee paid the lease premium by way of bank draft which was deposited by GA Department into the Government treasury with delays ranging from one day to 358 days, in violation of the codal provision. This resulted in a loss of interest amounting to ₹ 52 lakh (*Appendix 2.1.6*), calculated at the rate of interest of four *per cent per annum*.

### **2.1.13 Encroachments**

#### **2.1.13.1 Absence of reporting on encroachment**

Rule 3 of the Orissa Prevention of Land Encroachment Rules 1985 stipulated that Revenue Inspectors (RIs) were to report cases of unauthorised occupations to the Tahasildars and within 15 days of each financial year he was required to send a certificate that there were no further encroachments in the area except the encroachments already reported.

Audit scrutiny revealed that the Department did not observe the above provision due to which, total areas under encroachment were not known to the Department. Encroachments were detected only at the time when the encroachers applied for regularisation of their encroachment which existed in 17 out of 164 test checked cases. Due to the absence of an effective reporting system, land in capital city was being grabbed by the encroachers.

The Department replied (February 2013) that there were 60 revenue villages in the Bhubaneswar Municipal area and that the Department initiated eviction cases on getting information from the RIs. Further, in order to overcome the cases of encroachment, the Government (Revenue and Disaster Management Department) is contemplating to formulate Orissa Land Grabbing Prohibition) Act. The Department also admitted that its monitoring mechanism to prevent encroachments was not effective due to shortage of staff and the Department come to know the fact after encroachment took place.



### 2.1.13.2 Regularisation of encroachment

As per Orissa Prevention of Land Encroachment (OPLE) Act, 1972 and Rules framed there under (Rule 7), land under encroachment cannot be regularised unless the encroacher is a landless person. In this connection, the Government (Revenue and Disaster Management Department) ordered (November 2010) that the land occupied without the approval of the competent authority should be treated as encroachment and was liable for eviction. Further, as per practice, the Department, while regularising the encroachment, charges premium at double the rate existing at the time of allotment.

Scrutiny of records revealed that in 11 out of 17 selected cases of encroachment, the GA Department instead of evicting the land, allotted the encroached land in their favour at a premium less than the market value and thereby sustained a loss of ₹ 14.15 crore to Government, as detailed below:

Table 10: Regularisation of encroached land by GA Department (₹ in crore)

Name of the Encroachers	Mouza (village)	Area encroached (in acre)	Market value at the time of allotment	Premium paid at a lower rate	Less recovery of premium
Odisha Demonstration Multipurpose (ODM) Public School	Patia	2.646	9.85	1.10	8.75
Gitanjali Pattanayak	Saheednagar	0.051	0.72	0.31	0.41
Dr. Nirantjan Pradhan	-do-	0.031	0.28	0.01	0.27
N C Mishra	-do-	0.019	0.17	0.01	0.16
S Behuria	Laxmisagar	0.055	0.30	0.03	0.27
BDA	Gadakana	0.267	0.55	0.02	0.53
NALCO	Jayadev Vihar	0.463	0.51	0.46	0.05
Vivekananda Sikshya Kendra, BDA Colony	Chandra Sekhar Pur	0.492	1.48	0.12	1.36
Ekamra Saraswati Sisu Mandir, Kapilprasad	Kapilprasad	1.005	3.02	0.7	2.32
Institute of Technical Education and Research (ITER)	Jagamara	0.981	1.96	1.96	0.00
Narasingh Mishra	BJB Nagar	0.041	0.05	0.02	0.03
<b>Total</b>		<b>6.051</b>	<b>18.89</b>	<b>4.74</b>	<b>14.15</b>

Source: Compiled by audit from the information collected from GA department, DSR office

Some of such cases are discussed below:

- Vivekananda Shiksha Kendra, BDA Colony, Chandrasekharpur applied (September 2002) for regularisation of 0.492 acre already encroached by the Institute since 1994. The Department extended undue favour to the institution by regularising (June 2005) the encroachment on payment of premium at the rate of ₹ 25 lakh per acre without charging double the rate of premium, though, the Department was charging double the rate of regular premium in case of encroachments. Thus, the Department did not adopt uniform procedure in charging premium for regularisation of encroachment and the process was arbitrary.

- An individual<sup>14</sup> who was allotted (March 1982) 0.055 acre Government land in Saheed Nagar encroached the adjacent vacant plot measuring 0.031 acre by constructing a temporary boundary wall which was reported (July 1984) by the RI. Subsequently, the request of the unauthorised occupant for regularisation of the encroached land in his favour was rejected (March 1986) by the Department since it was reserved for public purpose and he was instructed to remove the built structure within 15 days. Instead of complying with the instructions, the individual made two requests (June 1989 and January 2003) for permissive possession of the land for maintaining a garden, which was finally acceded to (October 2003) by the Department and Physical possession was given (November 2003), after realisation of five per cent of the premium value of the land i.e. ₹ 8265. Again citing examples of eight similar cases of allotment of two adjacent plots to the same person under BMC area, the individual applied (June 2004) for temporary construction of garage and watchman shed over the plot for which he was accorded permissive permission. The proposal despite being negated by the Special Secretary, permission was granted (August 2004) by the Director of Estates. Though, the SSC suggested (November 2005) allotment in his favour after retaining some portion for future expansion of the road, his reiteration (September 2005) for additional allotment of the land was turned down (January 2006) by the Government on the grounds that it could be allotted to another person or put to auction by following procedure, since it was a full plot.

However, the individual again applied (October 2006) to the Department for allotment of the same piece of land and the Government permitted (December 2006) the additional allotment of adjacent land with a premium of ₹ 92,975 instead of prevailing market value of ₹ 27.90 lakh. This resulted in extension of an undue favour of ₹ 26.97 lakh to the applicant, with consequential loss of revenue to the Government.

- The Department on receipt of application (July 2003) from Hotel Rashmi Plaza, allotted 0.965 acre land at Gadakana in Chandrasekharpur area charging premium of ₹ 33.78 lakh. But the possession of the land could not be handed over to the allottee as the land was found encroached by an NGO, the neighbouring allottee. Further, Rashmi Plaza applied (November 2005) for an alternative plot at Jayadev Vihar where the land was priced higher being at a prime location as compared to Chandrasekharpur area. Finally, though the land at Jaydev Vihar was a forest land, the Department allotted (November 2008) 1.610 acre land to Rashmi Plaza at ₹ 1.21 crore against the current market value of ₹ 8.05 crore resulting in loss of revenue of ₹ 6.84 crore. Despite this, the land is still vacant (February 2013), though the construction was required to be completed by November 2011.

The Department replied (February 2013) that the hotel would commence construction after revision of records of rights (ROR) of the land, which was Jungle (forest) kism, by the Tahasildar. The reply is not tenable as

<sup>14</sup> Dr Niranjan Pradhan

the department was fully aware that it was a forest land for which approval from the Central Government was not obtained

- Three plots measuring 0.116 acre were reported (December 1998) by Revenue Inspector to be encroached by an individual<sup>15</sup> which were earmarked for construction of staff quarters of the Vigilance Department. Of this the individual applied (December 1999) for allotment of 0.080 acre of land and 0.041 acre was allotted to him (March 2000). The plot-wise area encroached and allotted are given in the table as under. The entire allotment process was completed within three months.

Table 11: Allotment of encroached land

Plot No	Area encroached (acre)	Area allotted (acre)
350	0.035	0.035
351	0.034	Nil
352/ part	0.047	0.006
<b>Total</b>	<b>0.116</b>	<b>0.041</b>

Source: Information compiled from the records of GA Department

The Department, after allotment of 0.041 acre, issued (June 2000) a letter to the encroacher to vacate the remaining encroached land of 0.075 acre before the execution of lease deed. The lease deed was executed with the applicant within one week of issue of letter directing to vacate encroachment. Hence 0.075 acre of land continued to remain under encroachment by the applicant (June 2012). Besides, the allottee was also extended undue benefit of ₹ 3 lakh due to charging of lease premium at ₹ 60 lakh per acre (double the premium<sup>16</sup>) against the prevalent market value of the land of ₹ 1.34 crore per acre. Since there is no provision for regularisation of encroachment under the OPP (EOU) Act, the allotment of land valued at ₹ 3 lakh at the current market rate should be cancelled forthwith.

The Department confirmed the audit observation while stating that the report of RI though included the fact regarding land reserved for staff quarters, but the same was not brought to the notice of the Government.

Thus, not only the regularisation of 6.051 acre land valuing ₹18.89 crore in favour of above 11 allottees was violation of law but also undue favour of ₹ 14.15 crore was extended to the allottees by charging lower premium.

On being enquired on the above, the Department stated (February 2013) that encroachments which were found unobjectionable were granted rights over the land. It also stated that the rights over the encroached land were granted at double the rate of premium applicable in some cases.

The reply is not tenable as both under OPLE Act as well as the Orissa Public Premises (Eviction of unauthorised occupants), Act encroached land is to be resumed after evicting the encroachers and there is no rule provision for

<sup>15</sup> Shri Narasingh Mishra, son of Late Sridhar Mishra of Chahali (Nayagarh)

<sup>16</sup> The Department was charging double the premium in case of regularisation of encroached land

regularisation of encroached land. Further, such regularisation or settlement of rights creates a perverse incentive for encroachment of land. Besides, the criteria to determine 'unobjectionable' have not been spelt out by the Department and disseminated to the public at large. Hence, such regularisation is prone to arbitrariness.

Thus, the Government failed to frame a mechanism for preventing and detecting encroachment and rather, regularised such encroachments giving incorrect perceptions for public at large.

### 2.1.13.3 Land still under encroachment

It was noticed that even when cases of encroachment were coming to the knowledge of the Department; they failed to initiate adequate action to evict the encroachers. It was observed that in eight out of 17 test checked cases of encroachment, though 11.187 acre of land valued at ₹84.21 crore was under the unauthorised possession of eight encroachers, the Department failed to evict them, as detailed below:

Name of the Encroachers	Mouza	Area encroached (in acre)	Value (₹ in crore)
Narasimh Mishra	BIB Nagar	0.075	0.45
Basudev Agrawal	Kharavel Nagar	0.470	3.10
Hotel Mayfair	Jaydev Vihar	3.237	35.61
Roots Corporation Limited	Jaydev Vihar	0.275	3.92
Meditrad Tech (Hemalata hospital)	Chandrasekharpur	0.081	
		0.013	0.11
Adarsa Basti	Chandrasekharpur	3.920	34.50
Group of people	Gadakana	3.099	6.39
Dr Niranjani Pradhan	Sahned nagar	0.017	0.13
<b>Total</b>		<b>11.187</b>	<b>84.21</b>

Source:-Compiled by audit from the information collected from GA department, DSR office

Some cases of encroachment have been discussed below:

- The SSC recommended (July 2008) allotment of 2.500 acre land to Quality Care India Limited, Hyderabad for Care Hospital, which could not be allotted, as the RI reported (September 2008) that 50-55 persons started constructing their houses over the said land. Failure of the Department to take prompt action to evict the few unauthorised occupants resulted in a slum area (Adarsha Basti) developing on the land. Similarly, another area (3.099 acre) in Gadakana was encroached upon by local people. As per RI report (May 2005), the local people claimed that they would obtain the recommendation from the MLA and Minister for allotment of land.

The Department did not take any step to resume the above land from the encroachers, thereby losing possession of land valued at ₹ 41 crore at the current benchmark value<sup>17</sup> in that locality.

- The Department allotted (February 1967) land measuring 0.500 acre to an individual<sup>18</sup> in Kharavel Nagar for setting of a Rolling Mill. Subsequently,

<sup>17</sup> ₹ 8.80 crore per acre at Chandrasekharpur and ₹ 2.06 crore at Gadakan

the lessee contravening the lease condition set up a petrol pump. As per the status report of the Director (December 1968) the lessee encroached adjoining government land of 22500 Sq feet and constructed pucca building, structure and boundary wall over this encroached land. Upon an order (January 1985) for determination of the lease of the plot, the lessee took shelter of court of Civil Judge (1988) against the eviction, which was dismissed in 1996 in favour of the Government. The lessee again moved to High Court in 1996 and obtained an interim relief. High Court directed the Government (March 2003) to settle 1965 Sq feet of encroached land in favour of the lessee with a premium of ₹ 4 lakh in supersession of lease determination order. Government filed a SLP in the Apex Court which was dismissed. Hence GA Department provisionally allotted (September 2003) 1965 Sq feet of encroached land to the lessee.

Government took no further steps, although the lessee was still in unauthorised occupation of 20535 Sq feet (around 0.470 acre).

The Department replied (February 2013) that it had undertaken 101 eviction drives jointly with the BDA and the BMC. It also stated that people were filing false cases of title on grounds of long possession in courts to obtain status quo orders and hence continued to occupy the land in an unauthorised manner till the disposal of suits/cases.

The reply was not tenable since the Department failed to take any proactive role to prevent encroachments, which only served to encourage land grabbers to occupy Government land. Further, no specific reply to the reported cases of encroachment has been offered.

#### 2.1.13.4 Allotment of forest land without clearance from the Ministry

As per the Forest (Conservation) Act 1980, prior approval of the Central Government was required for use of any forest land or any portion thereof for any non-forest purposes. We noticed that in four out of 164 cases, forest land (Jungle Kissam-II) measuring 6,832 acre was irregularly allotted/ alienated by the GA Department without obtaining requisite forest clearance from the Ministry of Forest and Environment in favour of the following agencies/ bodies mentioned below.

Table 13: Allotment of forest land without obtaining clearance from the Ministry

Name of the lessee	Mouza	Purpose	Allotment of forest land (in acre)
Medirad Tech India Limited, Bhubaneswar	Jayadev vihar	Hospital	1.397
BDA, Bhubaneswar	Paikanagar	Development of park	0.588
Hotel Mayfair & Resorts Private Limited, Bhubaneswar	Jayadev Vihar	Sports complex, nursery and staff quarters	3.237
Hotel Rashmi Plaza	Jayadev Vihar	Hotel	1,610
<b>Total</b>			<b>6,832</b>

Source: GA Department

<sup>13</sup> Sri Basudev Agrawal

The Government stated (January 2013) that, steps are being taken for obtaining clearance from Ministry of Forest and Environment Department. The reply confirmed that the Department violated the provisions of the Act and extended undue benefit in allotment of the land

#### **2.1.14 Monitoring and Evaluation**

Monitoring and supervision by the GA Department was weak and ineffective as the lands were allotted by the Department without following a fixed timeline and without ensuring the intended use of land as discussed below:

##### **2.1.14.1 Change of land use plan after allotment without obtaining approval of Government**

As per the condition of lease deed, the lessee should use the land exclusively for the purpose for which the land was allotted and use of the land for any other purpose was not permissible without the consent of the lessor. It was found that in three cases the lessee had, without the consent of the GA Department, used the land for other purposes.

Instances have been discussed below:

- Sikhya O Anusandhan (SOA), a deemed university, applied (November 2004) for allotment of 15,000 acre land in Ghatikia mouza for establishment of medical, dental and nursing college, which was allotted (September 2006). During joint physical inspection of the allotted land by audit along with the Revenue Inspector of GA department (21 August 2009), it was noticed that apart from activities relating to the permissible purpose, a Law Institute and a + 2 Science college were also functioning in the area. The GA department thus, did not ensure utilisation of land for the purpose for which the land was allotted.
- Land measuring 2.646 acre was allotted to Orissa Demonstration Multipurpose (ODM) School in two phases (1,000 acre in October 2006 and 1.646 acre in July 2009) for construction of hostel and play ground. It was found on Joint Physical Inspection (June 2012) that the allotted land was utilised for the construction of various institutions like +2 science college and management institution instead of constructing for hostel and play ground. The GA department thus did not ensure proper utilisation of land for the purpose for which the land was allotted.
- One individual<sup>19</sup> who had encroached 0.051 acre land in Saheed Nagar requested (February 2010) for allotment of the encroached land, which was allotted to her (August 2010) with a premium of ₹30.99 lakh for plantation. But the lessee was found to be utilising the land for running a school as verified during joint physical inspection (June 2012).

Thus, the land which had been allotted for a specific purpose was being mis-utilised by the lessees by diverting it for other purposes.

<sup>19</sup> Smt. Geetanjali Patnaik

The Department stated (February 2013) that in some cases the leases have been cancelled and while in others, construction activity had already started.

The reply is not tenable, as even in cases where construction activity has already begun, the land has to be resumed in case it is not being used for the purpose intended.

#### 2.1.14.2 Adherence to stipulated time schedule for utilisation of land

As per the procedure of allotment of land by the GA Department, the allottee was required to utilise the allotted land for the intended purpose within thirty six months from the date of taking over possession, failing which the allotted land was to be resumed.

Joint physical inspection of 98 sites by Audit with the Departmental officials revealed that in 33<sup>20</sup> cases, land was not utilised even after lapse of the stipulated time frame (*Appendix 2.1.7*). The delay ranged between three and 12 years. Out of these, four allotments remained unutilised for more than ten years. The department, thus, failed to monitor effectively the end use of allotted land. In 23 cases which have not been utilised so far, the Department stated that 5 allotments have been cancelled.

Some of the cases where the stipulated time schedule for utilisation of land was not adhered are discussed below:

- POSCO India Private Limited, applied (May 2006) for allotment a plot measuring 12000 square feet for its Chief Managing Director's (CMD) residence-cum-Guest house. It later enhanced the requirement twice- to 25000 square feet in April 2007 and later 2.000 acre for same purpose. Though the said area was earmarked in the CDP for commercial use, the company was allotted (January 2008) 1.700 acre on the recommendation of SSC at a premium of ₹ 25 lakh per acre against the prevalent market value of the land of ₹ 64 lakh per acre resulting in a loss of ₹ 66 lakh to the Government. It was also observed that the land was lying vacant (June 2012). The company, thus, was extended undue benefit in allotment of land disregarding zonal regulation and charging of premium at a reduced rate.

- The GA Department allotted (May 2007) 7.541 acre land in Duduma village to Cabana Hotel Management Private Limited for construction of 'Hotel-cum-hospitality and Business Management Institute' without ascertaining the land use zone from BDA. Subsequently, when BDA was contacted (May 2008), it clarified (October 2008) that the allotted land was in horticulture use zone with restriction in construction up to 10 metres height.

Further, the lessee was extended undue benefit of ₹ 14.87 crore due to charging of lease premium at ₹ 35 lakh per acre against the prevalent market value of the land of ₹ 2.32 crore per acre.

<sup>20</sup> More than three years and less than five years (15 cases), above five years but less than seven years(8), above seven but less than 10 years (4) and above 10 years (4)

The Government, while accepting the views, cancelled the lease.

- The GA Department allotted (May 2006) 5.000 acre land to LIC HFL Care Homes Limited against application for 10.000 acre land. BDA subsequently intimated (August 2006) that the land came under commercial use zone and group housing was not permissible. Yet, joint physical inspection (June 2012), revealed that the construction work was in progress.

#### **2.1.15 Conclusion**

Despite being engaged in the activity of allotment of land for more than 60 years, the GA Department did not formulate any definite policy or procedure for the same under BMC area. No data bank existed to indicate area wise availability of Government land, leased out land and encroachment etc. Besides, there was no specific land use plan, non-categorisation of land for different uses, engagement of multiple agencies in land allotment process without demarcating their responsibilities. Absence of any prescribed ceiling, scale and norm as well as discretionary quantum of land allotment gave undue benefits to allottees such as allotment of land on priority, allotment in deviation of land use zone, allotment without obtaining the views of the Administrative Departments or without the recommendations of SSC and non-application of uniform criteria for concession during allotment. Non revision of rates for allotment of land for 11 years resulted in significant difference between the premium charged and the market value of land, which only served to increase scope for arbitrariness in the allotment process of valuable land resource. Government also sustained losses due to non-adoption of market price/ bench mark valuation in the allotment of land, delay in execution of lease deed, conversion of lease hold land into free hold at lower value, non-charging of consent fee and pendency in payment of premium etc. The land to be auctioned has not been defined, thereby, depriving the Department of allotting land at actual prevailing market rate. Absence of an effective and adequate reporting mechanism on encroachment of Government land, failure of the Department to evict the encroachers timely, regularisation of encroachment cases, encouraged encroachment of precious Government land in the Capital city. This ultimately resulted in possession of land by grabbers at a cost less than market value. Monitoring of utilisation of allotted Government land by the Department was inadequate, ineffective and not outcome driven. The Department failed to initiate any action against non-utilisation and misutilisation of Government land.

#### **2.1.16 Recommendations**

The Government may consider:

- formulation of procedure for allotment of land which is transparent, discernable and under a well defined policy made known to the public.



- demarcation of responsibilities of different authorities in allotment of Government land, creation of data bank of land and maintenance of coherent records;
- prescribing ceiling, scale, norms as well as grant of concessions for allotment of land;
- auctioning of land for allotment other than for public purposes as provided in OGLS Rules;
- ensuring timely fixation and realisation of lease premium; and
- Strengthening monitoring mechanism to prevent misutilisation and encroachment of land as well as reviewing all cases of violations including cancellation wherever warranted.

(True copy)

Department of Personnel and Training

(AVD-II)

Subject:- Reference received from various persons/offices

CBI may please find enclosed a copy of the each following letters/representations for action as appropriate:

- (i) Letter No. 60011/3/2012-Admn. I(LA) dated 31.08.2012 from Ministry of Law and Justice, Department of Legal Affairs alongwith a grievance petition dated 25.05.2012 and its enclosures of Sh. Jayanti das regarding corruption and DQ Scam in Odisha by the Minister received vide this Department's O.M. No. 23011/1/2012-P.G. dated.....-10-2012.
- (ii) Letter No. 60011/4/2012/Admn.. I(A) dated 03.09.2012 from Ministry of Law and Justice alongwith a representation dated 10.07.2012 from sh. Shripad Dharmaji Kharat and its enclosures regarding conducting of CBI inquiry received vide this Department's O.M. No. 2301/1/2012-P.G. dated .....-10-2012.

(Rajiv Jain)

Under Secretary to the Government of India

Encl: As above

Director, CBI, CGO Complex, New Delhi.

DOPT ID No. 270/1/2012-AVD II (Pt. IV) dated 27.11.2012.

Copy for information to:

1. Smt. Priya Mhadeven, Under Secretary, DOPT, North Block, New Delhi.
2. Shri. Jayanti das, Chintamani Niwas, Mahamadia Bazar,, chandni Chowk, Cuttack-753002.
3. Shri. Shripad Dharmaji Kharat, Bagwan Gali, Indapur Distt., Pune (Maharashtra).

(Rajiv Jain)

Under Secretary to the Government of India

Department of Personnel and Training  
(AVD-II)

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Subject: Petitions received through Prime Minister's Office.

CBI may please find enclosed a copy of the each following letters for action as appropriate:

- (i) Reference dated 5.9.2012 from Sh. Suhail Ahmed Khan from New Delhi received vide Prime Minister's Office ID No. 1/3/2012-PMP2/432247 dated 20.9.2012 regarding CBI investigation.
- (ii) Reference dated 28.8.2012 from Sh. Abdul Qayum A.K. Shaikh from Mumbai received vide Prime Minister's Office ID No. 14/3/2012-PMP3/434070 dated 24.9.2012.
- (iii) Reference dated 23.9.2012 from Sh. Guru Arjan Dev from USA received vide Prime Minister's Office ID No. 20/3/2012-PMP4/437626 dated 3.10.2012.
- (iv) Reference dated NIL from Sh. Babubhai Vaghela from Gujarat received vide Prime Minister's Office ID NO. 15/3/2012-PMP4/445175 dated 19.10.2012.
- (v) Reference dated 27.9.2012 from Ms. Jayanti Das from Cuttack received vide Prime Minister's Office ID No. 12/3/2012-PMP2/441633 dated 26.10.2012.

Under Secretary to the Government of India

  
(Rajiv Jain)

Encl: As above

Director, CBI, CGO Complex, New Delhi

DOPT ID No. 261/1/2012-AVD-II (Pt. II) dated 27-11-2012

Copy to:

1. Sh. Suhail Ahmed Khan son of late Sh. Tamhid Ahmad Khan, 2893 Gali Captain wali Gali, Daryaganj, New Delhi.
2. Sh. Abdul Qayum A K Shaikh, Mumbai Centra Prison, Mumbai-400011.
3. Sh. Babubhai Vaghela, C 202, Shrinandnagar V, Makarba Road Vejaipur, Ahmedabad, Gujarat.
4. Ms. Jayanti Das, R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack-753002 ODISHA.

  
(Rajiv Jain)

Under Secretary to the Government of India

(TRUE COPY)

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**ANNEXURE- P21 (copy)**

Urgent

Speed Post

Cuttack/ 28.03.12

To,

Sri. Naveen Patnaik

Hon'ble CM, Odisha

Secretariat

Bhubaneswar

From;

Jayantil Das

Chintamani Niwas

Mahamadia Bazar

Chandni Chowk

Cuttack-753002

Sub: Request to make enquiry into the 'DQ' scam by the Minister without guidelines in between 1990-2011, regarding land allotment to IAS, IPS, Judges as revealed in RTI reply of CDA & BDA (enclosed) and take appropriate step to preserve Federal structure and independence of Judiciary under constitution of India.

Respected Sir,

1. With due respect I want to bring to your notice about the above mentioned subject to protect the democratic structure and independence of Judiciary in State of Orissa which has been already damaged in Odisha by the Minister concerned for his personal gain at state cost.

2. Your good office is requested to start enquiry into the matter as it is equally criminal in nature as of Adarsh Housing scam and A.

Raja's telecom Scam where CBI is making arrest of many senior most ministers and IAS & IPS officers.

3. You are also requested to hand over this 'DQ' case to CBI for just and impartial enquiry to bring the culprits to book.
4. The 'DQ' Plots allotted without any transparency and guidelines and eligible criteria should be declared state Property and the concerned 'DQ' allotter should be transferred out of State for better Administration as they have become move defunct and fearless after becoming pet of the Political Masters in Odisha.
5. All the 'DQ' availed by the Ministers should be taken back because the Ministers should not show more brotherhood to each other and each other's family members and keep on exchanging, allotting, cancelling at Sweet will of the Minister who without making the Public aware about the 'DQ' plots by newspaper, electronic Media distributed the plots very irresponsibly, carelessly as if family property of his through personal request letters (enclosed) of IAS, IPS Officers and others which they came to know about from "reliable Source" which perhaps Peons, Peskars, Badababus, personal secretary and others which is dangerous for Democracy.
6. It needs to be enquired and specifically the "sources" from where these Law enforcement Agents and Judicial Officers came to know about the unofficial dealing of availability of plots in specific enclaves.
7. The President's Secretariat has referred my case to the Chief secretary (copy enclosed) for over last 2 months but very unfortunate to say he is dumb and deaf in this matter.
8. The Judicial Officers who have availed 'DQ' from the minister should not be associated with any case against state because there is 100% chance of showing favour in lieu of favour received from state and Justice System will loose its dignity.

9. The Judicial Officers who have received 'DQ' from minister not to be associated in any "commission" against any violation of law committed by state as it may go against natural Justice under the constitution.

10. The Judiciary is the last resort of common man and protector of fundamental rights of common man and the minister in Odisha has tried to damage it be overreaching and by over confidence to get away with anything needs to be curtailed at once and criminal proceeding and assessment of loss to state treasury in the form of money, dignity to judiciary, abuse of IAS & IPS Officers and their loss of dignity needs to be repaired immediately and start damage control.

I expect an honest step from you and a communication about grievances redressal .

Thanking You.

Yours faithfully

(Jayanti Das)

1. The Governor Odisha
2. Sh. Abhishhek M. singvi- Judicial Accountability Bill.
3. Sh. Salman Khursid, Law Justice
4. Sh. Arvind Kejriwal, JCRF, Anna Team
5. Sh. Malika Sarabha
6. NDTV
7. Aaj Tak

Urgent

Speed Post

191

Cuttack/ 30/03/12

To,

Sh. Naveen Patnaik

Hon'ble CM, Odisha

Secretariat

Bhubaneswar

To,

The President of India

Sub:- DQ Scam by the Minister in Odisha (RTI dated 30.03.2012 of CDA enclosed).

Sir,

1. In continuation to DQ scam letters to your office I am enclosing the RTI document of CDA dated 30.03.12 which shows how the minister distributed DQ plots like his Father's property among the IAS, IPS, Judicial Officers and Judges by breaking all norms and above all there is no guideline for DQ and eligibility norms for allotment to these powerful and influential persons in positions and law enforcement Agents and involved in Justice Delivery system of the State and most of them after retirement are part of many statutory / regulatory bodies and state sponsored Commission to do enquiry to save the govt. like recently "poisonous liquour death" in between January 12-March12.

2. There is every possibility and chance of miscarriage of Justice to the common man in lieu of DQ plot favoured in Prime location of the state and "impartiality and indifference" of Judiciary and Home department alongwith Police and Top administration by so called IAS

and IPS officers of the state who are paid public servants drawing salary from we tax payer's money are made Pet private servants of the "Minister" who distributed state property as if his/her father's property without making the odisha people part or the DQ process and shamelessly the BDA under RTI replies that there is no provision to make Public aware of DQ plot by newspaper or TV or Public Hoardings.

3. Your good office is requested to hand over this case "DQ" in between 1990-2011 to CBI, New Delhi as of Adarsh Housing Scam, telecom Scam for fair trial.

4. The CBI should find out the source of information to these influential people where most of the IAS, IPS officers have applied to the Minister mentioning "Reliable source" about availability of DQ Plots.

5. It is obvious that in between 1990-2011 the state property was looted left and right in the name of "DQ" power which became absolute power of the minister and gradually dirty politics played at the cost of poor Odisha people and 108 martyrs who are still (nok) waiting for 10 decimals of land and "DG office" writers under RTI that "providing land" is time taking process and 12 years of time is not enough.

6. Under the circumstances it will be better if the state takes back-

(a) The DQ plots provided to all persons mentioned in the CDA RTI letter 30.03.12.

(b) All the persons availed DQ (IAS,APS Judges, Judicial Officers). If serving in the state should be transferral out of state and removed from all commissions appointed by state.

(c) Criminal Proceeding under prevention of corruption Act and cheating should be started against the minister as it is happening in other States and other persons who are involved in this DQ deal.



- (d) What is the revenue loss to the State should be calculated by AG and CAG.
- (e) What type of gain and abuse of official position has been made needs to be enquired in last 20 years and profit to these DQ allottees.
- (f) The Minister's political leaders, political leader wife, children, friends specially the law minister who is totally useless defunct and burden to the state treasury should be removal from cabinet because if this is the image of state law minister who only knows how to loot the state and all the Minister's, MPS, Rajya sabha Members should return the DQ plot and it should be declared state property.
- (g) The Law Minister, other MPs, Ministers should provide statement on affidavit that on what guideline, eligibility criteria they received the DQ plot and why they have no purchased it from Builders if Financial benefits not availed and loss to state treasury made.
- (h) Total area under DQ in last 20 years should be displayed in state website for transparency which were allotted.
- (i) Why the Law Department in last 20 years could not form law/guidelines about DQ criteria?

You are requested to communicate at the earliest.

Yours Faithfully

(Jayanti Das)

Hon'ble CJL, Supreme Court.

- 1. Sh. Arvind Kajariwal, PCRf,
- 2. DOPT, New Delhi.
- 3. Ministry of Justice,
- 4. CAG, New Delhi
- 5. AG, Odisha ,
- 6. P. Chidambaram

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7. PPS, Orissa High Court.
8. NDTV
9. Aaj Tak
10. Sh. Prasad Harichandan, Congress
11. Darpan.

(TRUE COPY)

ANNEXURE - P22

195

Registered AD

Cuttack

07/05/2012

From:

Jayanti Das

Chintamani Niwas

Mahamadia Bazar

Chandani Chowk

Cuttack- 753002

To,

Sh. Naveen Patnaik

Hon'ble CM, Odisha

Secretariat

Bhubaneswar.

To,

Anna Hazare

Jan Lokpal

Ralegaon Siddhi

To,

Hon'ble Justice Sh. Santosh Hegde Lokayukta  
Karnataka.

To,

PM, India

Sub:- DQ Scam

1. Violation of Article 50.
2. DQ plot allotted to SPI vigilance Judge
3. DQ plot to Lokayukta Judge
4. 2DQ plots in CDA and BDA to IPS Binaya Behera and Judge MD. Ajmal

5. DG Praharaj
6. Home sect. V. N. Behra

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Sir,

1. With regard to the above mentioned issues you are required to initiate CBI enquiry Suo motto as the Minister of the Odisha Govt. has abruptly has misused the DQ power to abuse Judiciary, Lokayukta, Violation of article 50 and made most of the IAS and IPS cadre officers have become more pet private servants of the Minister's then public servant drawing salary from us (Tax).

2. You are required to clarify the 4 points mentioned and on what ground Lokayukta Judge is provided DQ plot and made mockery of Lokpal Act in Odisha and let me know how the Judge (DQ allottee) can raid a current Minister in Odisha as it is repeatedly done in Karnataka and the CM was in Jail and did not set Bail and we should learn something from Karnataka Lokayukta instead of making mockery of Lokpal Act in Odisha which is totally defund and govt. does not obey its instruction and there is urgent need to restructure Lokpal Act in Odisha and remove every body from Lokpal office who is a DQ holder even a peon.

3. Now with regard to SPI. Vigilance Judge who is allotted DQ from the Minister, can be act on corruption and remain water dog of society after being pampered by the Minister. So if he is still in the Job, remove him from the post immediately.

4. Now when your Govt. has miserable failed in providing Justice and compensation to Shahheads of (108 numbers) Odisha, the said Minister indiscriminately distributed 2 plots to IPS Binay Behara, Judge Md. Ajmal so on and so forth under his DQ power of if inherited from Ancestors needs to be enquired.

5. Why from 1988-2011 there was no guidelines eligibility norm and assessment of DQ of the Ministers and the said Minister and above all the Govt. did not think it proper to make public aware about DQ Plot availability as if these are only reserved for IAS, IPS, Judges SPI. Vigilance, Judge and Lokayukta Judges.

6. You need to clarify what was that "Reliable Source" from where the above mentioned and listed dignitaries got information to apply for DQ. (Peon, Badababu, Cleark, Peshkar) DG Prahase Home secretary U N Behar should be removed.

7. Your Govt. has violated article 50 of the constitution and it needs immediate rectification by (1) taking back the plots. (2) Keeping the persons off the duty. (3) Removal from vigilance and Lokayukta Post. (4) Immediate of transfer of IAS, IPS from their respective post/areas. (5) Start CBI enquiry as in Adarsh Society case.

Thanking You.

Yours Faithfully

(Jayanti Das)

1. Hon'ble CJI
2. PPs to CJO
3. Leader opposition M. Padmarav Behara.
4. Speaker Lok Sabha
5. Vice President
6. DoTT
7. Ministry of Law & Justice
8. NDTV
9. Aaj Tak
10. Kanak TV
11. Naxatra TV
12. Registrar Orissa High Court

(TRUE COPY)

**ANNEXURE - P23**

**198**

Urgent

Registered AD

Cuttack

27.09.2012

To,

Dr. M. M. Singh

The Prime Minister of India

PMO's office

North Block

New Delhi.

To,

The Vice President India

VP Secretariat

New Delhi

Sub:- Appointment of CBI Director (Name Proposed of IPS Prakash Mishra, DGP Odisha who is a DQ holder without any eligibility criteria and guidelines of Odisa state Govt. and only the concerned Minister was approached by the IPS vice versa and state property (Land) was provided for each other's Personal Benefit.

Sir,

1. I with reference to the above mentioned issue of appointment of CBI Director of the country which is claimed to be impartial and not under any party's control will be under question mark if any IPS officer like Prakash Misra, DGP Odisha as claimed and proposed for would be CBI, Director who has already sold his loyalty to a particular minister of a particular party instead of state will be a

serious threat for the country as he can be easily moulded into any Political party and used/misused for personal benefit instead of mass interest and social Justice system will be destroyed If such kind of "Political Servants" who take favour of Ministers and have Obsessions towards a particular PIECE of LAND in Cuttack city and did not hesitate to "beg" before the Minister for his favour is really disgusting and sorry state of IPS Officers will be posted on such powerful positions.

2. There is every possibility that IPS Prakash Mishra must have done favour in return of the favour of the Minister as there is no free lunch and specifically in politics.

3. My complaint against Prakash Mishra IPS is still unaddressed by the Odisha Govt. inspite of the VP Secretariat's letter dated 01.08.12 (Both addressed to CS, Odisha Govt. as the Chief Secretary, Odisha is totally defunct and not a single grievance is redressed or action taken and communicated to me so far.

4. The appointment of DGP, Prakash Mishra, IPS is totally undemocratic and illegal as he has committed misconduct by availing and personally approaching certain Minister for a Piece of Land without any guideline and surprisingly there was no advertisement and publication for public knowledge was made by the Odisha Govt. for allocation of DQ Plots as

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if state Land is the father's property of the Minister and he distributed "State Property" to IAS, IPS, MPS, Ministers and not to a single war widow of odisha state is very shameful and it should be investigated by CBI that how Prakash Misra, IPS knew about the Plot available who was the broker, source of information etc. And above all relation between the Minister and IPS Officer and why few IPS were selected/ hard picked and not all IPS is very strange and fishy in nature.

5. So under the circumstances an IPS (DQ holder) who is biased, loyal to a particular political party should not be CBI, Director as it is a respectable position and the Govt. has no result to play with the trust and respect people have on democracy and cadre officers (non DQ holders and honest).

So IPS Prakash Mishra should not be considered for CBI, Director on else i shall be force to take legal steps.

Thanking You.

Yours Faithfully

(Jayanti Das)

1. Hon'ble CM, West Bengal
2. Leader of Opposition, Loksabha
3. Governor Odisha
4. CM Odisha CNNIBN
5. Times Now

(TRUE COPY)



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**ANNEXURE - P24**



उप-राष्ट्रपति सचिवालय  
VICE-PRESIDENT'S SECRETARIAT  
नई दिल्ली/NEW DELHI - 110011  
TEL.: 23016344/23016422 FAX: 23018124

5<sup>th</sup> October, 2012

अवर सचिव  
UNDER SECRETARY

VPS/R-05.10.2012/US

The Secretary (DOPPT)  
Department of Personnel and Training  
North Block  
New Delhi.

Sir,

I am enclosing herewith a representation dated 27<sup>th</sup> September, 2012 of Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack – 753002 regarding appointment of CBI Director.

The representation is being forwarded for your appropriate attention.

Thanking you,

Yours faithfully

(MAHITAB SINGH)

Copy to: Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack – 753002. For further clarification on this matter you are requested to contact the Department of Personnel and Training directly.

(MAHITAB SINGH)

**(TRUE COPY)**

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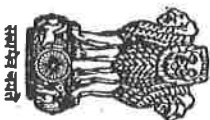
**ANNEXURE - P25/COUJ**

उप-राष्ट्रपति सचिवालय

VICE-PRESIDENT'S SECRETARIAT

नई दिल्ली/NEW DELHI - 110011

TEL.: 23016344/23016422 FAX: 23018124



अवर सचिव  
UNDER SECRETARY

VPS/R-28.06.2012/US

28<sup>th</sup> June, 2012

The Chief Secretary  
Government of Odisha  
Secretariat Bhubaneswar  
Odisha.

Sir,

I am enclosing herewith a representation in original dated 22<sup>nd</sup> June, 2012 of Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack – 753002 regarding her request for Judicial Enquiry in DQ Plots Scam in Odisha.

The representation is being forwarded for your appropriate attention.

Thanking you,

Yours faithfully

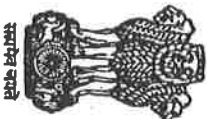
(MAHITAB SINGH)

Copy to: Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack – 753002. For further clarification on this matter you are requested to contact the office of CS, Odisha directly.

(MAHITAB SINGH)

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अवर सचिव  
**UNDER SECRETARY**



उप-राष्ट्रपति सचिवालय  
**VICE-PRESIDENT'S SECRETARIAT**  
नई दिल्ली/NEW DELHI - 110011  
TEL.: 23016344/23016422 FAX : 23018124

VPS/R-17.07.2012/US

17<sup>th</sup> July, 2012

**The Chief Secretary**  
**Government of Orissa**  
**Secretariat Bhubaneswar**  
**Bhubaneswar (Orissa).**

Sir,

I am enclosing herewith a representation in original dated 9<sup>th</sup> July, 2012 of Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack – 753002 regarding her complaint of corruption against IAS & IPS officers in the Orissa.

The representation is being forwarded for your appropriate attention.

Thanking you,

Yours faithfully

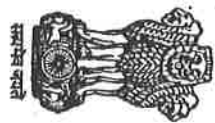
(MAHITAB SINGH)

Copy to: Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack – 753002. For further clarification on this matter you are requested to contact the office of CS, Orissa directly.

(MAHITAB SINGH)

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अवर सचिव  
UNDER SECRETARY



उप-राष्ट्रपति सचिवालय  
VICE-PRESIDENT'S SECRETARIAT  
नई दिल्ली/NEW DELHI - 110011  
TEL.: 23016344/23016422 FAX : 23018124

VPS/R-01.08.2012/US

1<sup>st</sup> August, 2012

The Chief Secretary  
Government of Orissa  
Secretariat Bhubaneswar  
Bhubaneswar (Orissa).

Sir,

I am enclosing herewith a representation in original dated 21<sup>st</sup> July, 2012 of Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack - 753002 regarding her complaint about violation of Article 50 and Constitutional guidelines for personal benefit by IAS, IPS, Judges, Judicial officers in Odisha.

The representation is being forwarded for your appropriate attention.

Thanking you,

Yours faithfully

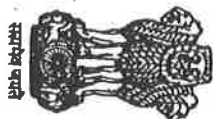
(MAHITAB SINGH)

Copy to: Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack - 753002. For further clarification on this matter you are requested to contact the office of CS, Orissa directly.

(MAHITAB SINGH)

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अवर सचिव  
UNDER SECRETARY



उप-राष्ट्रपति सचिवालय  
VICE-PRESIDENT'S SECRETARIAT  
नई दिल्ली/NEW DELHI - 110011  
TEL.: 23016344/23016422 FAX : 23018124

VPS/R-13.08.2012/US

13<sup>th</sup> August, 2012

The Secretary  
Ministry of Parliamentary Affairs  
Parliament House  
New Delhi.

Sir,

I am enclosing herewith a representation dated 8<sup>th</sup> August, 2012 of Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack – 753002 regarding her request for discussion in Parliament in respect of violation of Article 50 in the Odisha State.

The representation is being forwarded for your appropriate attention.

Thanking you,

Yours faithfully

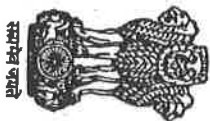
(MAHITAB SINGH)

Copy to: Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack – 753002. For further clarification on this matter you are requested to contact the Ministry of Parliamentary Affairs directly.

(MAHITAB SINGH)

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अवर सचिव  
UNDER SECRETARY



उप-राष्ट्रपति सचिवालय  
VICE-PRESIDENT'S SECRETARIAT  
नई दिल्ली/NEW DELHI - 110011  
TEL.: 23016344/23016422 FAX: 23018124

VPS/R-14.08.2012/US

14<sup>th</sup> August, 2012

The Secretary (DOPT)  
Department of Personnel and Training  
North Block  
New Delhi.

Sir,

I am enclosing herewith a representation dated 7<sup>th</sup> August, 2012 of Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack – 753002 regarding corruption and misuse of official position by the IAS and IPS officers.

The representation is being forwarded for your appropriate attention.

Thanking you,

Yours faithfully

(MAHITAB SINGH)

Copy to: Smt. Jayanti Das R/o Chintamani Niwas, Mahamadia Bazar, Chandni Chowk, Cuttack – 753002. For further clarification on this matter you are requested to contact the Department of Personnel and Training directly

(MAHITAB SINGH)

(True copy)

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ANNEXURE - P25

Grievance Petition Urgent



GOVERNOR'S SECRETARIAT, ODISHA  
RAJBHAWAN, BHUBANESWAR-757008

No: \_\_\_\_\_ /SG/Pl-P-1-16/12 Dt. \_\_\_\_\_ /

To

The COMMISSIONER-CUM-SECRETARY TO  
GOVERNMENT, DEPARTMENT OF HOUSING  
& URBAN DEVELOPMENT, ODISHA, BHUBANESWAR

Sir/Madam,

I am directed to send herewith a petition/memorandum dated  
alongwith its enclosure submitted to His Excellency the Governor, Odisha by

Shri / Smt. JAYANTI DAS  
CHINTAMANI NIWAS,  
MAHAMADIA BAZAR, CHANDINI CHOWK,  
CUTTACK-753002

for taking needful action at your end under intimation to the petitioner as well as to this office  
for reference.

Yours faithfully

Joint Secretary to the Governor, Odisha.

Memo No. 1852 / Dated 26.8.12 /  
Copy forwarded to Shri/Sm JAYANTI DAS  
CHINTAMANI NIWAS,  
MAHAMADIA BAZAR, CHANDINI CHOWK,  
CUTTACK-753002

for information. He/She is requested to make further correspondence, if any, in the matter with  
the above named authority.

Joint Secretary to the Governor Odisha

N.B.: In future correspondence please quote your petition diary no. 1625

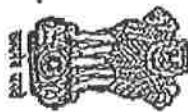
dated

10/05/2012

(TRUE COPY)

ANNEXURE - P27 208

(Copy)



प्रधान मंत्री कार्यालय  
Prime Minister's Office

नई दिल्ली - 110101  
New Delhi - 110101  
Dated: 25-06-2012

No: 12/3/2012-PMPP2/402988

To

CHIEF SECRETARY,  
Govt. of ORISSA, BHUBANESWAR

Sub: LETTER OF Ms. JAYANTI DAS  
R/O CHINTAMANI NIWAS, MAHAMADIA BAZAR, CHANDNI CHOWK,  
CUTTACK-753002, ODISHA

Sir,

I am desired to forward herewith a letter dated 30-05-2012 received in this office from  
Ms. JAYANTI DAS for action as appropriate.

Yours faithfully,

[PAVAN MALVIYA]  
SECTION OFFICER

Copy for information to:  
Ms. JAYANTI DAS  
R/O CHINTAMANI NIWAS, MAHAMADIA BAZAR,  
CHANDNI CHOWK, CUTTACK-753002, ODISHA

[PAVAN MALVIYA]  
SECTION OFFICER



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प्रधान मंत्री कार्यालय

Prime Minister's Office

नई दिल्ली - 110101  
New Delhi - 110101  
Dated: 27-06-2012

No: 12/3/2012-PMP2/403771

To

CHIEF SECRETARY,  
Govt. of ORISSA, BHUBANESWAR

Sub: LETTER OF Ms. JAYANTI DAS  
R/O CHINTAMANI NIWAS, MAHAMADIA BAZAR, CHANDNI CHOWK,  
CUTTACK-753002, ODISHA

Sir,

I am desired to forward herewith a letter dated 02-06-2012 received in this office from  
Ms. JAYANTI DAS for action as appropriate.

Yours faithfully,

[PAVAN MALVIYA]  
SECTION OFFICER

Copy for information to:  
Ms. JAYANTI DAS  
R/O CHINTAMANI NIWAS, MAHAMADIA BAZAR,  
CHANDNI CHOWK, CUTTACK-753002, ODISHA

[PAVAN MALVIYA]  
SECTION OFFICER

(TRUE COPY)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7915-7917 OF 2001

STATE OF GUJARAT

Appellant(s)

Versus

HIGH COURT OF GUJARAT TH. REGISTRAR Respondent(s)

**ORDER**

We have heard learned counsel for the parties.

This appeal by special leave is directed against the interim orders dated 3rd April, 2001, 11th April, 2001 and 26<sup>th</sup> April, 2001 passed by the High Court of Gujarat at Ahmedabad in SCA No.13550 of 2000. The interim orders were stayed by this Court on 9th July, 2001 and the same were confirmed on 19<sup>th</sup> November, 2001 staying all the three orders passed by the High Court.

The interim orders were passed by the High Court taking a suo motu notice of certain allotments of land at Gandhi Nagar in Gujarat. The interim orders and directions were issued by the High Court from time to time that how these lands in the Gandhi Nagar should be allotted. The notice was taken suo motu and interim orders were passed which were stayed by this Court. The original Writ Petition is still pending in the High Court. Therefore, we need not express any opinion in these proceedings and leave it to the High Court to dispose of

the Writ Petition. The interim order passed by this Court shall continue. We request the High Court to dispose of the Writ Petition expeditiously.

The interim order passed by this Court shall continue till the disposal of the Writ Petition by the High Court.

The appeals are accordingly, disposed of. No order as to costs.

.....J.  
(A.K.MATHUR)

.....J.  
(MARKANDEY KATJU)

New Delhi,  
December 6, 2007.

**(TRUE COPY)**

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ANNEXURE - P29

By Regd. A.D.

Sub :: Land : Ahmedabad District

Allotment of plot to Gujarat High Court Judges for residential purposes.

Government of Gujarat  
Revenue Department  
Resolution No. JMN-1696-1966-A1  
Sachivalaya, Gandhinagar  
Date : 6/11/2008

Ref ::

1. Revenue Department resolution dated 23/7/1997
2. Revenue department amendment resolution dated 13/2/1998
3. The Collector, Ahmedabad letter dated 11/10/2005
4. S.V.V. Cabinet Unit letter dated 6/11/2008.

PROPOSAL ::

As per the above Sr. 1 and 2 Revenue department resolutions dated 23/7/97 and 13/2/98 amended resolution demand is made by the Gujarat High Court sitting judges and the Gujarat High Court bench sitting judges appointed in the Supreme Court for allotment of land in Ahmedabad District Daskroi Taluka at mauje Sola and Gota, thus the below mentioned table paiki 400 sq.mts. plot allotment permission is obtained from the Cabinet.

Village	Type of land	S.No.	Area	Value per sq.mt.
Sola	Gauchar	283	0-27-32	Rs. 1365
Sola	Gauchar	284	1-21-41	Rs. 1365
Sola	Govt. barren	285 paiki	1-32-04	Rs.1365

Gota	Pond	380	1-02-15	Rs. 1083
Gota	Gauchar	381	0-99-15	Rs. 1083

[or the value that may be determined by the Chief Planner, whichever of the two is higher]

For allotment for this purpose 400 sq.mts. paiki 330 sq.mts. land value on 50 percent concession rates as shown against the survey number, and the balance 70 percent land on 100 percent market value was decided to be allotted. As per the revenue department order dated 17/12/98 it was ordered to allot the land without payment of the land value to the Registrar, High Court of Gujarat, but the Registrar had not taken over the possession. In this regard the Collector, Ahmedabad had addressed a letter to the Registrar, High Court of Gujarat on 6/1/99 and requested to form a non-trading corporation / association / society of the Hon. Judges with regard to the said land and to register below the concerned Act and for determining the internal rules for the administration of the Association and to produce the same with evidence, the Registrar was informed accordingly about the same. In this regard there is no darkhast / response received from the Registrar, High Court of Gujarat.

In the meanwhile with the passage of time, the Town Planning Scheme came in force on the said land and about 50% of the land was under deduction. Thus with regard to the said issue the then Collector, Ahmedabad had informal discussions with the AUDA representative and the Hon. Judges, and in this regard the AUDA had determined the said land plotting, internal roads and common plot lay-out plans and on the basis of the same the Collector, Ahmedabad had prepared the darkhast.

2. The Collector, Ahmedabad has vide his Sr. 3 letter dated 11/10/2005 made a detailed darkhast to the Hon. Judges since the survey numbers were converted into final plots below the T.P. Scheme and the land available for this purpose.

Sr.No.	Village	S.No.	T.P.Final Plot	Area of the land
1	Sola	283, 284	68/1	10,797
2	Sola	285p	68/2	4,000
3	Sola	199	59/1/1	5,741
4	Gota	381	13/2	5,000
			TOTAL	25,538

As per the above details total 25,538 sq.mts. land total 400 sq.mts. total 48 proposed plots map was prepared by AUDA and sent. Accordingly in the plot

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allotted 2053 sq.mts. land for common plot and 4285 sq.mts. land is used for internal road. The Registrar, High Court of Gujarat has sent the first list as per the letter dated 26/7/2005 and informed that, at present 48 Hon. Judges are desirous to get the plots.

Resolution ::

At the end of thoughtful consideration the Sr. no.1 and 2 resolution dated 23/7/97 and dated 13/2/98 are not implemented within the time limit thus it is automatically cancelled. And at mauje Sola and Gota total land admeasuring 25,538 sq.mts. on condition to recover the value as may be determined by the District Valuation Committee at the competent level and recover the other taxes and levies and subject to the provisions of the department resolution dated 17/10/1947 and dated 7/8/1956 and other existing orders on new and non-fragmentation restrictions and on additional conditions permission for allotment is resolved to be granted.

CONDITIONS ::

1. (a) The Hon. Judge who is rendering services as Chief Justice / Judge on the date of the resolution.

(b) The Hon Judge who had rendered services in the High Court of Gujarat as Chief Justice / Judge and thereafter on the date of the resolution was serving in the Supreme Court as Chief Justice / Judge.

(c) The Hon. Judge who was first appointed in the Hon. High Court of Gujarat and thereafter on the date of the resolution was serving as the Chief Justice / Judge in other State High Court such sitting judges and,

(d) Such sitting judges to be considered as non-transferrable and to prepare a scheme for allotment of plot on concessional rates.

2. After the Co-operative housing Society is formed by the Hon. Judges then the said land will be allotted as member of the said society.

3. Each eligible Hon. Judge will be allotted 400 sq.mts. of plot. Of which 330 sq.mt. land on 50 percent concession rates as determined and the balance 70 sq.mts. land on 100 percent value.

4. Those Hon. Judges who have obtained the land on concessional rates in the previous State Government Scheme then in such case will not be entitled to this plot allotment.



217 25

By the orders of and in the name of Governor of  
Gujarat.

Sd/-  
[K.S.Prajapati]  
Section Officer  
Revenue Department  
Government of Gujarat

Enclosure ::As above

Copy to ::

1. The Collector, Ahmedabad [with documents]  
Copy forwarded with compliments for information and  
taking necessary action.
1. The PS to the Hon. Minister, Revenue, Sachivalaya,  
Gandhinagar
2. The Additional Chief Secretary, Finance Department,  
Sachivalaya, Gandhinagar
3. The Secretary, Law Department, Sachivalaya,  
Gandhinagar
4. The Registrar, Gujarat High Court, Ahmedabad [through  
letter]
5. The District Inspector of Land Records, Ahmedabad
6. The Accountant General, Gujarat State,  
Ahmedabad/Rajkot
7. The Finance Department, Revenue Department,  
Sachivalaya, Gandhinagar
8. Revenue Department, A & G Branch Sachivalaya,  
Gandhinagar
9. Select File, A-1 Branch

(True copy)

# ANNEXURE - P30

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Land : Ahmedabad District

Allotment of plot to Gujarat High Court Judges for residential purposes.

Government of Gujarat  
Revenue Department  
Resolution No. JMN-1696-1966-A1 [part-1]  
Sachivalaya, Gandhinagar  
Date : 11/9/2009

Ref ::

1. Revenue Department resolution dated 23/7/1997
2. Revenue department amendment resolution dated 13/2/1998
3. The Collector, Ahmedabad letter dated 11/10/2005
4. S.V.V. Cabinet Unit letter dated 6/11/2008.
5. Revenue Dept. resolution dated 6/11/2008
6. The Collector, Ahmedabad letter dated 29/8/09

RESOLUTION ::

As per the Sr. 5 resolution dated 6/11/2008 it was resolved to allot the following land shown in the table to

the Hon. High Court of Gujarat sitting judges and Hon. Supreme Court sitting judges elevated from the High Court of Gujarat Bench,

Sr.No.	Village	S.No.	T.P.Final Plot	Area of the land
1	Sola	283, 284	68/1	10,797
2	Sola	285p	68/2	4,000
3	Sola	199	59/1/1	5,741
4	Gota	381	13/2	5,000

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		TOTAL	25,538
--	--	-------	--------

1. The Collector, Ahmedabad has vide is Sr. 6 above letter with a view that all the Hon. Judges should get land at the same place therefore in lieu of the lands shown in the above table made darkhast to allot 25,538 sq.mts. of land paiki as per the the following table.

Sr.No.	Village	S.No.	Type of land	Area
1	Sola	285p	Govt. barren	15404
2	Sola	286	Govt. barren	9409
3	Sola	289	Govt. barren	12444
4	Sola	288	Govt. barren	5969
5	Sola	291p	Govt. barren	4755
6	Sola	291p	Govt. gauchar	14569
7	Sola	290	Govt. barren	7891
		Total		70441 paiki

T.P. Final Plot No. 28 F.P. 67/1

220

Area of land [sq.mts.] 35311

2. Thus taking into consideration the darkhast made by the Collector in lieu of the land shown in the para 1 the above para (2) land shown in the table paiki 25538 sq.ms. land is ordered to be allotted.
3. Other conditions of the order will be as per the resolution dated 6/11/2008.

By the orders of and in the name of Governor of  
Gujarat

Sd/-

[K.S. Prajapati]  
Section Officer  
Revenue Dept.  
Govt. of Gujarat

Encl. :: Documents in this matter.

Copy to ::

The Collector

Ahmedabad [with the documents in this matter]

By RPPAD.

Copy forwarded with compliments to :

1. The PS to Hon. Minister, Revenue, Sachivalaya,  
Gandhinagar

2. The Additional Chief Secretary, Finance Department, Sachivalaya, Gandhinagar
3. The Secretary, Law Department, Sachivalay, Gandhinagar
4. The Registrar, Gujarat High Court, Ahmedabad [through letter]
5. The District Inspector of Land Records, Ahmedabad
6. The Accountant General, Gujarat State, Ahmedabad/Rajkot
7. The Finance Department, Revenue Department, Sachivalaya, Gandhinagar
8. Revenue Department, A & G Branch Sachivalaya, Gandhinagar
9. Select File, A-1 Branch

# ANNEXURE - P31 222

No. PB/LND./2/Sola/Nyayadhish/3498/2010

District Collector

Subhashbridge Circle

Ahmedabad

Date :: 06/01/2010

Perused :

1. Government Revenue Department Resolution dated 06/11/2008 and 11/09/2009 and letter dated 16/09/2009.
2. The Secretary, Nitibag Judges Co-op. Housing Society Ltd., Ahmedabad representation dated 29/12/09.
3. This office letter dated 29/09/2009 [minutes of the meeting of the District Level Land Valuation Committee met on 25/09/2009].

ORDER ::

As per the Government of Gujarat Revenue Department Sr. 1 the land situated at mauje Sola having survey No. 283, 284, F.P. No. 68/1 10797 sq.tms., s.no. 285 paiki, final plot No. 68/2 4000 sq.mts., survey No. 199 F.P. No. 59/1/1 5741 sq.mts. and mauje Gota Taluka Daskroi survey no. 381, F.P. no. 13/2 5000 sq.mts. thus total area 25538 sq.mts. land subject to

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the conditions mentioned in the resolution dated 06/11/08 is granted approval for allotment.

Thereafter as per the said government resolution dated 06/11/08 in the meetings of the Judges held on 26/08/09 and 27/08/09 and as discussed with a view that the entire land should be allotted at the same place thus in place of the land mentioned in the above para 1 the following land is resolved to be allotted as per the Sr. 1 government resolution dated 11/09/2009.

Sr.No.	Village	S.No.	Type of land	Area
1	Sola	285p	Govt. barren	15404
2	Sola	286	Govt. barren	9409
3	Sola	289	Govt. barren	12444
4	Sola	288	Govt. barren	5969
5	Sola	291p	Govt. barren	4755
6	Sola	291p	Govt. gauchar	14569
7	Sola	290	Govt. barren	7891
		Total		70441 paiki

T.P. Final Plot No. 28 F.P. 67/1

Area of land [sq.mts.] 35311

Thereafter as per the government letter dated 16/09/2009 the following procedure is adopted for allotment of the land to hon. High Court Judges.

1. Earlier in the Gandhinagar Urban Area the Secretary and other officers were allotted the land by drawn

224/1

system and allotted the plots, similarly the allotment will have to be made to the Hon. Judges Society.

2. Due to non-transferable land the value for the common plot, internal roads will not have to be borne by the Hon. Judges.

3. After the lottery system draw is made then the list will have to be sent to the Collector, Ahmedabad, Thereafter the Collector will pass individual orders for allotment of the land accordingly. After the orders of allotment are passed then thereafter the Judges will have to deposit the value of the land as determined vide the resolution dated 06/11/2008 within 30 days, thereafter the possession of the individual plots will be handed over by the Collector, Ahmedabad individually to the Hon. Judges.

As stated in the above para on the total land allotted as per the Sr. 2 letter dated 16/09/2009 the Co-op. Housing Society of the Judges constituted on 29/12/2009 made representation and on the land allotted at mauje Sola T.P. Scheme o. 28 F.P. No. 67/1 35311 sq.mts. land total 42 plots are made. In this regard in the proposed plan Deputy Development Officer, Building Plan Scrutiny Pool, Ahmedabad Municipal Corporation Ahmedabad are required to be accepted. With such endorsement the copy of plan and as per



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the draw in the society meeting held on 07/12/2009  
and 19/12/2009 the allotment is made at present to  
the following Hon. Judges.

Sr.	Name of member Hon. Judge	Plot No.
1	Mr. D. H. Waghela	1
2	Mr. K.A. Puj	2
3	Mr. C.K. Buch	6
4	Mr. Ravi R. Tripathi	7
5	Mr. J.R. Vora	8
6	Mr. H.B. Antani	12
7	Mr. A.L. Dave	13
8	Mr. R.H. Shukla	15
9	Mr. K.S. Jhaveri	17
10	Mr. M.R. Shah	18
11	Mr. P.B. Majmudar	19
12	Mr. C.K. Thakkar	20
13	Mr. K.M. Thaker	21
14	Mr. A.R. Dave	22
15	Mr. D.A. Mehta	23
16	Mr. M.S. Shah	28
17	Mr. D.N. Patel	29
18	Mr. R.P. Dholakiya	30
19	Mr. Anant S. Dave	32
20	Mrs. Harsha N. Devani	33
21	Mr. J.C. Upadhaya	34
22	Mr. A.M. Kapadiya	37

Taking into consideration the representation made by the Hon. Judges Society Secretary on 29/12/2009 as per the details of the government letter dated 16/09/2009 para 3 on individual basis the land allotment procedure is to be followed, thus as per the details mentioned in the society letter dated 29/12/2009 the Hon. D.H. Waghela is allotted plot No.1.

As per the Sr. 3 above letter dated 29/09/2009 in the meeting of the District Valuation Committee held on 25/09/2009 the market value of the land allotted is determined Rs. 10000/- per sq.mts. as shown in the Sr. 1 above government resolution dated 06/11/2008 it is decided to allot 330 sq.mts. land on 50% concessional rates and for the remaining land 100% market value. Thus the total area of Plot no. 1 is 405.62 sq.mts. thus total value Rs. 24,06,200/- [rupees twenty four lakhs six thousand two hundred only] will have to be deposited in the village office within 30 days. Moreover, as per the provision made in the government resolution dated 06/11/2008 the other taxes such as, conversion premium, N.A. assessment, education cess, local fund, and etc. will have to be paid. On receipt of all such amount the Mamlatdar, Daskroi

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will take on hand the procedure to hand over the possession of the plot.

As per the above details at mauje Sola, Taluka Daskroi the survey number T.P. Final Plot no. 67/1 35311 sq.mts. land plot is given nos. 1 to 42. The said plots paiki plot No. 1 admeasuring 405.62 is allotted to Hon. Mr. Justice D.H. Waghela, Gujarat High Court as per the government resolution Sr. 1 provisions, and as per the provisions of the GR dated 17/10/1947 and 07/08/1956, and subject to the following additional conditions only for residential purposes on new and non-fragmentation restrictions.

**CONDITIONS ::**

1. The plot allotted will be used only for residential purposes and is allotted on new and non-fragmentation restrictions thus other than the residential purpose it cannot be used for any other purpose.
2. On the plot to be allotted the period to complete the construction is three years, and in the meanwhile the construction will have to be completed without fail. And reside in it compulsorily. If under the circumstances beyond control this is not possible then in this regard the representation will have to be made with evidences in advance. Otherwise the plot with the super structure

will be taken by the government without payment of any compensation.

3. The permission to sell the open plot without construction will not be granted, and also if the plot holder is unable to put up construction then the plot will have to be returned to the government.

4. In reference to the sale of the plot allotted the irrevocable power of attorney cannot be executed, and if this comes to the notice then the allotted plot will be taken back by the government without payment of any compensation.

5. If the plot is sold with the super structure on it for any special reasons then at the relevant time the concerned land market value will have to be paid after deduction of the amount paid by the Hon. Judge, and the premium as herebelow will have to be deposited in the government.

Sr.	Duration from the date of use certificate	Premium to be paid
1	Upto 10 years	100%
2	After 10 years upto 15 years	75%
3	After 15 years upto 20 years	50%
4	After 20 years upto 25 years	25%
5	After 25 years	0%

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X. If the plot and the superstructure on it is sold within 10 years then the market value at the time of sale and the original amount paid towards the plot and deducting annual 10% simple interest 100% of the balance difference amount will have to be paid.

6. During the entire service period the Hon Judge will be able to avail of this scheme only one, and will not be entitled to allotment of land by the government in the name of spouse at any other place.

7. The plot allotted is only for residential purpose, thus the development permission for construction and the layout plans will have to be approved from the competent authority.

8. The plot allotted is on new and non-fragmentation restrictions, thus without the prior permission from the Collector, it cannot be mortgage, gifted, bequeathed, sold or transferred in any manner or change the purpose.

9. With regard to the land of the plot in question every year N.A. Assessment, education cess, local fund and other taxes will have to be paid subject to the existing rules / orders.

10. The use permission of the plot allotted will have to be obtained from the Mamlatdar in the specified form.

11. If any of the conditions are breached then the orders of allotment will automatically stand cancelled,

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and will be taken back by the government and no compensation will be paid.

These orders to be entered in the village records.

Round stamp

Sd/-

[Harit Shukla]

District Collector

Ahmedabad

To

Mr. D.H. Waghela

Hon. Judge

High Court of Gujarat

Sola, Ahmedabad

Copy forwarded to ::

1. The Dy. Secretary Revenue Department, 1, New Sachivalaya, Gandhinagar.

For information as per the letter dated 16/10/2009.

2. The Municipal Commissioner, Ahmedabad Municipal Corporation, Danapith, Ahmedabad for information.
3. The Registrar, Gujarat High Court, Sola, Ahmedabad.

(TRUE COPY)

ANNEXURE - P32

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ITEM NO.53 COURT NO.2 SECTION IX  
S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).896/2012

(From the judgement and order dated 14/12/2010 in WP No.5/2010 of  
The HIGH COURT OF GUJARAT AT AHMEDABAD)

MAULIN J BAROT

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP, exemption from filing O.T.,  
permission to file additional documents and prayer for interim relief  
and office report)

Date: 02/11/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s)

Mr. Prashant Bhushan, Adv.

Mr. Ramesh K. Mishra, Adv.

For Respondent(s)

Ms. Meenakashi Lekhi, Adv.

Mr. Harish Pandey, Adv.

Mr. Vibhu Shankar Mishra, Adv.

Mr. Shabnam, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Having heard learned counsel for the parties at some length, we feel  
that it would be proper and expedient if the High Court is requested to  
dispose of the Special Civil Application No. 13550 of 2000 expeditiously.

It is pointed out that the aforesaid application was last listed on  
29.11.2010. However, it appears that since 08.04.2008, no effective  
orders have been passed by the High Court. In that view of the matter,  
we request the High Court to take up the aforesaid application for final  
disposal as expeditiously as possible. The High Court would be free to

pass any order or issue such directions as may be considered necessary for adjudication of the subject issue.

We, however, direct that till the High Court disposes of the *Suo Motu* action, no further allotments or permission to transfer the plots already allotted under the Government Resolutions in question, would be granted without the leave of the High Court. It may be noted that according to learned counsel appearing for the respondent, the State Government has not made any afresh allotments after the year 2000 and as a matter of fact, the entire policy for such allotments is being re-examined.

Call for directions after six months.

(Jayant Kumar Arora)  
Sr. P.A.

(Charanjeet Kaur)  
Court Master

**(TRUE COPY)**



**ANNEXURE - P33**

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C/SCA/13550/2000

ORDER

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
SPECIAL CIVIL APPLICATION NO. 13550 of 2000**

=====

SUO MOTU...Petitioner(s)  
Versus  
STATE OF GUJARAT...Respondent(s)

=====

Appearance:  
MR MIHIR H JOSHI, ADVOCATE for the Petitioner(s) No. 1  
NOTICE SERVED for the Respondent(s) No. 1

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE MR.  
BHASKAR BHATTACHARYA  
and  
HONOURABLE MR.JUSTICE J.B.PARDIWALA**

Date : 26/02/2013

**ORAL ORDER  
(PER : HONOURABLE THE CHIEF JUSTICE MR. BHASKAR BHATTACHARYA)**

Since Mr.Joshi, the learned advocate appearing as *amicus curiae*, has not come to Court, let the matter appear on 12<sup>th</sup> March 2013.

**(BHASKAR BHATTACHARYA, CJ.)**

**(J.B.PARDIWALA, J.)**

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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
SPECIAL CIVIL APPLICATION NO. 13550 of 2000

=====

SUO MOTU...Petitioner(s)  
Versus  
STATE OF GUJARAT...Respondent(s)

=====

Appearance:  
MR MIHIR H JOSHI, ADVOCATE for the Petitioner(s) No. 1  
NOTICE SERVED for the Respondent(s) No. 1

=====

CORAM: HONOURABLE THE CHIEF JUSTICE MR.  
BHASKAR BHATTACHARYA  
and  
HONOURABLE MR.JUSTICE J.B.PARDIWALA

Date : 12/03/2013

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MR. BHASKAR BHATTACHARYA)

It is submitted by the learned Advocate General on behalf of the respondent that he wants to prepare a tabular form showing details of the transaction involved in this matter. To enable him to prepare such tabular form, let the matter appear on 25<sup>th</sup> March, 2013.

(BHASKAR BHATTACHARYA, C.J.)

(J.B.PARDIWALA, J.)

shekhar

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C/SCA/13550/2000

ORDER

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
SPECIAL CIVIL APPLICATION NO. 13550 of 2000

=====

SUO MOTU...Petitioner(s)  
Versus  
STATE OF GUJARAT...Respondent(s)

=====

Appearance:  
MR MIHIR H JOSHI, ADVOCATE for the Petitioner(s) No. 1  
NOTICE SERVED for the Respondent(s) No. 1

=====

CORAM: HONOURABLE THE CHIEF JUSTICE MR. BHASKAR  
BHATTACHARYA  
and  
HONOURABLE MR.JUSTICE J.B.PARDIWALA

Date : 01/04/2013  
ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MR. BHASKAR BHATTACHARYA)

Since one of us (J.B.Pardiwala, J.) is not willing to take up the  
matter on personal ground, matter be released from this Bench and be  
placed before the Chief Justice for appropriate order.

(BHASKAR BHATTACHARYA, CJ.)

(J.B.PARDIWALA, J.)

\*malek

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C/SCA/13550/2000

ORDER

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
SPECIAL CIVIL APPLICATION NO. 13550 of 2000

=====

SUO MOTU....Petitioner(s)  
Versus  
STATE OF GUJARAT...Respondent(s)

=====

Appearance:  
MR MIHIR H JOSHI, ADVOCATE for the Petitioner(s) No. 1  
NOTICE SERVED for the Respondent(s) No. 1

=====

CORAM: HONOURABLE MR.JUSTICE VIJAY MANOHAR  
SAHAI  
and  
HONOURABLE MR.JUSTICE S.G.SHAH

Date : 05/04/2013

ORAL ORDER  
(PER : HONOURABLE MR.JUSTICE VIJAY MANOHAR SAHAI)

Not before this Bench.

(V.M.SAHAI, J.)

(S.G.SHAH, J.)

\* Pansala

Print

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**HIGH COURT OF GUJARAT**  
SPECIAL CIVIL APPLICATION No. 13550 of 2000

Status : PENDING

CCIN No : 001021200013550

Next Listing Date: 09/05/2013

Coram      • HONOURABLE MR.JUSTICE RAVI  
                 R.TRIPATHI  
                 • HONOURABLE MR.JUSTICE R.D.KOTHARI

Not Before      • HONOURABLE MR.JUSTICE AKIL KURESHI  
                         • HONOURABLE MR.JUSTICE  
                         J.B.PARDIWALA  
                         • HONOURABLE MR.JUSTICE S.G. SHAH  
                         • HONOURABLE MR.JUSTICE VIJAY  
                         MANOHAR SAHAI

S.NO.	Name of the Petitioner	Advocate On Record
1	SUO MOTU	MR MIHIR H JOSHI for: Petitioner(s) → 1
S.NO.	Name of the Respondant	Advocate On Record
1	STATE OF GUJARAT	NOTICE SERVED for : Respondent(s) → 1

Presented On	: 27/12/2000	Registered On	: 27/12/2000
Bench Category	: DIVISION BENCH	District	: GANDHINAGAR
Case Originated From	: THROUGH ADVOCATE	Listed	: 42 times
StageName	: URGENT ADMISSION BOARD NO.1		
Act	• CONSTITUTION OF INDIA		

**Linked Matters**

S. No.	CaseDetail	Status Name	Disposal Date	Action/Coram
1	CIVIL APPLICATION/5175/2001	DISPOSED	03/05/2001	RULE ABSOLUTE/ALLOWED @ F.H • HONOURABLE MR.JUSTICE D.A.MEHTA • HONOURABLE MR.JUSTICE B.C.PATEL
2	CIVIL APPLICATION/5930/2001	PENDING		• HONOURABLE MR.JUSTICE B.C.PATEL
3	CIVIL APPLICATION/6144/2001	DISPOSED	15/06/2001	• HONOURABLE MR.JUSTICE RAVI R.TRIPATHI • HONOURABLE MR.JUSTICE R.D.KOTHARI REJECTED @ ADM.STAGE • HONOURABLE MR.JUSTICE B.C.PATEL • HONOURABLE MR.JUSTICE RAVI R.TRIPATHI
4	CIVIL APPLICATION/8329/2005	PENDING		• HONOURABLE MR.JUSTICE KS JHAVERI

**Court Proceedings**

S. No.	Notified Date	CourtCode	Board Sr. No.	Stage	Action	Coram
1	29/11/2010	1	1	URGENT ADMISSION (ADJOURNED MATTERS)	NEXT DATE • HONOURABLE THE CHIEF JUSTICE MR. S.J.MUKHOPADHAYA • HONOURABLE MR.JUSTICE K.M.THAKER	

## Case Detail

2	26/02/2013	1	8	AT 2:30 P.M. - IN CHAMBER	NEXT DATE	<ul style="list-style-type: none"> <li>HONOURABLE THE CHIEF JUSTICE MR. BHASKAR BHATTACHARYA</li> <li>HONOURABLE MR.JUSTICE J.B.PARDIWALA</li> </ul>
3	12/03/2013	1	17	AT 2:30 P.M. - IN CHAMBER	NEXT DATE	<ul style="list-style-type: none"> <li>HONOURABLE THE CHIEF JUSTICE MR. BHASKAR BHATTACHARYA</li> <li>HONOURABLE MR.JUSTICE J.B.PARDIWALA</li> </ul>
4	01/04/2013	1	23	AT 2:30 P.M. - IN CHAMBER	NEXT DATE	<ul style="list-style-type: none"> <li>HONOURABLE THE CHIEF JUSTICE MR. BHASKAR BHATTACHARYA</li> <li>HONOURABLE MR.JUSTICE J.B.PARDIWALA</li> </ul>
5	05/04/2013	2	48	URGENT ADMISSION BOARD NO.1	NEXT DATE	<ul style="list-style-type: none"> <li>HONOURABLE MR.JUSTICE VIJAY MANOHAR SAHAI</li> <li>HONOURABLE MR.JUSTICE S.G.SHAH</li> </ul>
6	29/04/2013	3		URGENT ADMISSION BOARD NO.1	NEXT DATE	<ul style="list-style-type: none"> <li>HONOURABLE MR.JUSTICE RAVI R.TRIPATHI</li> <li>HONOURABLE MR.JUSTICE R.D.KOTHARI</li> </ul>

## Available Orders

5. No.	Case Details	Judge Name	Order Date	CAV	Judgement	View Download
1	SPECIAL CIVIL APPLICATION /13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE MR.JUSTICE VIJAY MANOHAR SAHAI</li> <li>HONOURABLE MR.JUSTICE S.G.SHAH</li> </ul>	05/04/2013	N	N	<a href="#">View</a> <a href="#">Download</a>
2	SPECIAL CIVIL APPLICATION /13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE THE CHIEF JUSTICE</li> <li>MR.BHASKAR BHATTACHARYA</li> <li>HONOURABLE MR.JUSTICE J.B.PARDIWALA</li> </ul>	12/03/2013	N	N	<a href="#">View</a> <a href="#">Download</a>
3	SPECIAL CIVIL APPLICATION /13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE MR.JUSTICE B.C.PATEL</li> <li>HONOURABLE MR.JUSTICE RAVI R.TRIPATHI</li> </ul>	22/06/2001	N	N	<a href="#">View</a> <a href="#">Download</a>
4	SPECIAL CIVIL APPLICATION /13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE MR.JUSTICE D.A.MEHTA</li> <li>HONOURABLE MR.JUSTICE B.C.PATEL</li> </ul>	15/03/2001	N	N	<a href="#">View</a> <a href="#">Download</a>
5	SPECIAL CIVIL APPLICATION /13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE THE CHIEF JUSTICE</li> <li>MR.BHASKAR BHATTACHARYA</li> <li>HONOURABLE MR.JUSTICE J.B.PARDIWALA</li> </ul>	01/04/2013	N	N	<a href="#">View</a> <a href="#">Download</a>
6	SPECIAL CIVIL APPLICATION /13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE MR.JUSTICE B.C.PATEL</li> <li>HONOURABLE MR.JUSTICE RAVI R.TRIPATHI</li> </ul>	16/01/2001	N	N	<a href="#">View</a> <a href="#">Download</a>

## Case Detail

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7	SPECIAL CIVIL APPLICATION/13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE MR.JUSTICE D.A.MEHTA</li> <li>HONOURABLE MR.JUSTICE B.C.PATEL</li> </ul>	03/04/2001	N	N	<a href="#">View</a>	<a href="#">Download</a>
8	SPECIAL CIVIL APPLICATION/13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE THE CHIEF JUSTICE Y.R.MEENA</li> <li>HONOURABLE MR.JUSTICE J.C.UPADHYAYA</li> </ul>	08/04/2008	N	N	<a href="#">View</a>	<a href="#">Download</a>
9	SPECIAL CIVIL APPLICATION/13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE MR.JUSTICE D.A.MEHTA</li> <li>HONOURABLE MR.JUSTICE B.C.PATEL</li> </ul>	26/04/2001	N	N	<a href="#">View</a>	<a href="#">Download</a>
10	SPECIAL CIVIL APPLICATION/13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE MR.JUSTICE B.C.PATEL</li> <li>HONOURABLE MR.JUSTICE R.TRIPATHI</li> </ul>	15/06/2001	N	N	<a href="#">View</a>	<a href="#">Download</a>
11	SPECIAL CIVIL APPLICATION/13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE THE CHIEF JUSTICE MR.BHASKAR BHATTACHARYA</li> <li>HONOURABLE MR.JUSTICE J.B.PARDIWALA</li> </ul>	26/02/2013	N	N	<a href="#">View</a>	<a href="#">Download</a>
12	SPECIAL CIVIL APPLICATION/13550/2000	<ul style="list-style-type: none"> <li>HONOURABLE MR.JUSTICE D.A.MEHTA</li> <li>HONOURABLE MR.JUSTICE B.C.PATEL</li> </ul>	11/04/2001	N	N	<a href="#">View</a>	<a href="#">Download</a>

## Certified Copy

S. No.	ApplicantName	ApplicationType	Application Date	UOL Number	Order Date	Notify Date	Delivery Date	Status	Nature Of Document
1	GOVERNMENT PLEADER	URGENT	23/04/2001	U/306/2001	11/04/2001	24/07/2001	24/07/2001	Delivered	
2	GOVERNMENT PLEADER	ORDINARY	07/09/2001	O/28283/2001	26/04/2001	23/06/2003	24/06/2003	Delivered	

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# High Court of Gujarat

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Post feedback

CaseDetail	Litigant	LC-Judge	LC-FIR	LC-Case
Advocate	HC-Judge	Department	Orders	Notice
Free-Text Search				
Print Preview				
<p>Casetype</p> <p>SCA-SPECIAL CIVIL APPLICATION</p>				
<p><b>HIGH COURT OF GUJARAT</b></p> <p>SPECIAL CIVIL APPLICATION No. 13550 of 2000</p>				
<p>Status : PENDING      CCIN No : 001021200013550</p>				
<p>Last Listing Date: 10/12/2013</p>				
<p>Coram • HONOURABLE MR..JUSTICE Not Before • HONOURABLE MR..JUSTICE</p> <p>RAVI R.TRIPATHI      AKIL KURESHI</p> <p>• HONOURABLE MR..JUSTICE: • HONOURABLE MR..JUSTICE</p> <p>MOHINDER PAL      J..B.PARDIWALA</p> <p>• HONOURABLE MR..JUSTICE</p> <p>• HONOURABLE MR..JUSTICE</p> <p>• HONOURABLE MR..JUSTICE</p> <p>VIJAY MANOHAR SAHAI</p>				
S.NO.	Name of the Petitioner	Advocate On Record		
1	SUO MOTU	MR MIHIR H JOSHI for: Petitioner(s)	→ 1	
S.NO.	Name of the Respondant	Advocate On Record		
1	STATE OF GUJARAT	NOTICE SERVED for :Respondent(s)	→ 1	
Presented On	: 27/12/2000	Registered On	: 27/12/2000	
Bench Category	: DIVISION BENCH	District	: GANDHINAGAR	
Case Originated	: THROUGH	Listed	: 55 times	

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**IN THE SUPREME COURT OF INDIA**  
**(CIVIL ORIGINAL JURISDICTION)**

IA No. \_\_\_\_\_ of 2013

in

**Writ Petition (Civil) No. .... of 2013**

**IN THE MATTER OF:**

**CENTRE FOR PUBLIC INTEREST LITIGATION**  
**(CPIL) & ORS. ... PETITIONERS**

**VERSUS**

**STATE OF ODISHA & ORS. ... RESPONDENTS**

**APPLICATION FOR EXEMPTION FROM FILING OFFICIAL**  
**TRANSLATION**

To,

**THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION**  
**JUDGES OF THE HON'BLE SUPREME COURT OF INDIA**

The Humble Petition of the  
Petitioners above-named

**MOST RESPECTFULLY SHOWETH: -**

1. The petitioners have filed the instant writ petition in public interest challenging the arbitrary and discriminatory distribution of state largesse by State governments of Odisha and Gujarat to high ranking public servants, Members of Parliament and State Legislatures, Judges of High Courts and Subordinate Courts by way of allotment of plots of land at concessional rates.
2. It is submitted that Annexure P/29 to Annexure P/31 filed alongwith the present writ petition were originally in

vernacular language that has been translated in the language English.

3. The Petitioners submit that the said annexures could not be translated by official translator due to paucity of resources. However, the same have been translated by a person well versed in the vernacular language as well as in the language English.

4. The Petitioners submit that the above said documents are required to be bring on record in the interest of justice.

**Prayer**

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to: -

- a) Exempt the Petitioners from filing official translation of Annexure P/29 to Annexure P/31
- b) Pass any further order(s) this Hon'ble Court may deem fit in the facts and circumstances of the matter.

PETITIONERS  
THROUGH

PRASHANT BHUSHAN  
COUNSEL FOR PETITIONERS

DATED: 11.12.2013

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## PRASHANT BHUSHAN

RESI.	OFFICE.	CHAMBER
B-16, SEC 10R-14, NOIDA	C-67, SECTOR-14, NOIDA	301, NEW LAWYERS CHAMBER
DIST: GAUTAM BUDH NAGAR	DIST: GAUTAM BUDH NAGAR	SUPREME COURT OF INDIA
(U.P.) - 201 301	(U.P.) - 201 301, FAX: 0120-4512694	NEW DELHI
PH: 0120-2512632, 2512693	PH: 0120-2512523, 2512695	PH: 011- 23070301, 23070645
MOB: +919811164068	E-MAIL: prashantbhush@gmail.com	

Dated: 18.12.2013

To,

The Registrar  
Supreme Court of India  
New Delhi-110 001

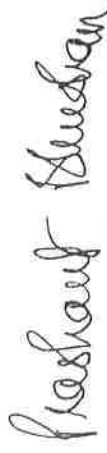
Sub- Defect removal in CPIL & Ors vs. State of Odisha & Ors. (  
Diary No. 39557)

Sir,

The Registry has pointed out a defect in the abovesaid matter that facts stated and documents attached are not in chronological manner. To cure the said defect it is submitted that the facts stated and documents annexed in the present matter, though not chronologically, is deliberate and necessary for appreciation of the Hon'ble Court.

Therefore, let the same be listed before Hon'ble Court as it is at my risk.

Yours Sincerely,

  
(Prashant Bhushan)  
(Counsel for the Petitioners)