# IN THE HIGH COURT OF ORISSA: CUTTACK

# W.P.(C) No.13403 Of 2015

BipiniBihariPradhan

. . .

-Versus-

State of Odisha And Others

Opp. Parties

Petitioner

15

19 JUL 2023

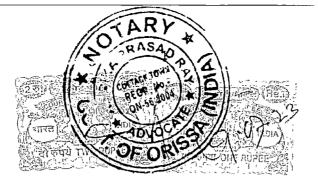
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Cuttack Date : \ 9 /07/2023 ADDL. GOVERNMENT ADVOCATE



9 JUL 2023

Madhumila Nay

IN THE HIGH COURT OF ORISSA: CUTTACK

## W.P.(C) No.13403 Of 2015

BipiniBihariPradhan

Petitioner

-Versus-

State of Odisha And Others ... Opp. Parties

### AFFIDAVIT ON BEHALF OF THE COMMISSIONER-CUM-SECRETARY TO GOVERNMENT, SS&EPD DEPARTMENT, GOVERNMENT OF ODISHA IN COMPLIANCE OF THE ORDER DTD. 25.04.2023:

I, Ms. Madhumita Nayak, aged about 52 years, Daughter of Sri Harihar Nayak, at present working as Additional Secretary to Government, Social Security & Empowerment of Persons with Disabilities (SS & EPD) Department, Odisha, Loka Seva Bhawan, Bhubaneswar, Dist.: Khurda, do hereby solemnly affirm and state as follows:

 That, I am working as Additional Secretary to Government, Social Security & Empowerment of Persons with Disabilities (SS & EPD) Department, Odisha and have been duly authorized to file this Affidavit on behalf of Social Security & Empowerment of Persons with Disabilities (SS & (EPD) Department, Odisha

ASAD RAT CUTTACK TOWN D. NO-ON-56/2004

2. That, this Hon'ble Court Vide Order dtd. 25.04.2023 in Paragraph – 4 directed as follows:

"XXX XXX XXX

The DSSO, Puri has stated in the affidavit dated 17th April, 2023that ten residential units are proposed to be constructed within the premises of Niladri Nilaya Rehabilitation Centre for the Sanjayjee Colony Inmates at an estimated cost of around Rs. 1.19 Crores. The proposal has been sent to the Government on 15th April, 2023.Mr. P. K. Muduli, learned Additional Government Advocate for the State assures the Court that the above proposal will be cleared at the earliest so that the construction work can begin within a period of three months from today. As regards providing shoes of Grades-1 and 2, a survey was conducted in both the Jibaramjee Palli and Sanjayjee Colony and 99 beneficiaries were found eligible. It is expected that the CRSR, Bhadrak will be providing the shoes by the end of April, 2023. XXX XXX xxx"

Madhunita Nayer

3. That, with regard to the assurance provided in <u>Paragraph – 2</u>, an administrative approval for the rehabilitation centre consisting 10 housing units with an estimated cost of Rs. 1.19 Crore was accorded to the Collector, Puri vide SSEPD Department letter No. 3961, dtd.12.05.2023(Annexure-A). Accordingly, an amount of Rs. 50 lakh in advance has been sanctioned in favour of District Social Security Officer, Puri vide SSEPD Department letter No.4232, dtd. 24.05.2023(Annexure-B).

AMBIKA PRASAD RA CUTTACK TOWN AEGD. NO-ON-561200

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4. That, this Hon'ble Court Vide Order dtd. 25.04.2023 in Paragraph – 7 directed as follows:

"xxx xx xxx xxx xxx 7. The Courts has also perused the minutes of the 5th Meeting of the Monitoring Committee held on 22nd April, 2023 where some of the measures are still required to be undertaken by the State Government have been discussed. The Court expects the next meeting of the Monitoring Committee to be held within a period of two months from today. xxx xxx xxx

Modhumita Mayan

5. That, with regard to the directions contained in <u>Paragraph -4</u>, the meeting of the Monitoring Committee was held on 27.06.2023 and the proceedings of the meeting has been communicated (Annexure-C).

6. That, this Hon'ble Court Vide Order dtd. 25.04.2023 in Paragraph – 8 directed as follows:

"xxx xxx xxx xxx 8. In terms of the request made by the three AC in this Court, the State Government is requested to spare the services of Mr. Ishwar Mohanty, Learned

Additional Standing Counsel to also attend the meetings of the Monitoring Committee 50 that there is no communication gap regards the as implementation of the orders of this Court passed from time to time in this case. XXX XXX xxx"

7. That, with regard to the directions contained in <u>Paragraph – 6</u>,Mr. Ishwar Mohanty, Learned Additional Standing Counsel was requested to attend the  $6^{th}$  meeting of the Monitoring Committee held on Dt. 27.06.2023 which he subsequently attended.

That, the facts stated above are true to the best of my owledge and based on available Official records.

Identified by Advocate

. .

- DEPONENT Nayar

Additional Secretary to Govt. SSEPD Department

Cuttack Date : 19 /07/2023

Certified that cartridge papers are not available.

a Noem MS · ADDL. GOVERNMENT ADVOCATE Ďeina. ne above named depone indentified by FUL Camp cum Sec- 1552 EPD Departure plembly affirm and states before me tr or the contents of this true to the knowledge and oene ARY, CUTTACK TOWN Resd. No-ON-56/2004

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ANNEXURE:

**GOVERNMENT OF ODISHA** 

**Department of Social Security & Empowerment of Persons with Disabilities** 

3961 /SSEPD No SSEPD-DA-IV-CASEOP-0003/2021 Dt. 12.05.2023

From

Madhumita Nayak, OAS (SAG) Additional Secretary to Government

То

**Collector**, Puri

Administrative approval for the rehabilitation center consisting 10 housing Sub: units.

Ref: Your Memo No. 855 dated 15.04.2023.

Sir,

In inviting a reference to the subject cited above, I am directed to inform you that administrative approval has been accorded for the construction of rehabilitation center for consisting of 10 housing units within the premises of Niladri Nilaya with a budget of Rs.1.19 Crore.

An amount of Rs.50.00 lakh is being sanctioned in favour of DSSO, Puri for the purpose.

You are, therefore, requested to take necessary steps to go ahead with the construction at the earliest.

Encl : As above.

Yours faithfully, Additional Secretary to Opvernment

Memo, No. <u>396</u>2 /SSEPD Dated 12.05.2023.

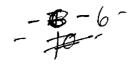
Copy forwarded to DSSO, Puri for information and necessary action.

TRHE COPY ATTESTED

Additional Secretary to Govt. SSEPD Department

Additional Secretary to Government

LOK SEVA BHAWAN, SACHIVALAYA MARG, UNIT-2, KESHARI NAGAR, BHUBANESWAR, ODISHA-751001 e-MAIL: ssepdodisha@gmail.com





## OFFICE OF THE DISTRICT MAGISTRATE & COLLECTOR, PURI (SSEPD Section) Letter No\_754\_/Date\_290322/

То

The Under Secretary to Govt., SSEPD Department, Odisha, Bhubaneswar

Sub:- Submission of rough cost estimate for the work construction of 10 Nos. Residential unit for leprosy persons at Jibaramjee Colony, lokanath road, Puri for the year 2022-23 in WP(C) No.13403 of 2015 ( Bipini Bihari Pradhan-Vrs-State of Odisha & others.

Ref:- This office letter No.2769, Dt.29.12.2022 & No.367 Dt.14.02.2023 Sir,

In continuation of this office letter on the subject cited above, I am to submit herewith the rough cost estimate for the work construction of 10 Nos. Residential unit for leprosy persons at Jibaramjee Colony, lokanath road, Puri for the year 2022-23 received from Superintending Engineer, (R&B) Division, Puri in WP(C) No.13403 of 2015 (Bipini Bihari Pradhan-Vrs-State of Odisha & others for favour of information and necessary action at Govt. level. Govt. may kindly consider provision of funds for the purpose.

> Yours faithfully, June 2027 District Social Security Officer, Puri

Memo No. 755 Dt. 29/03/23

Copy to PA to Collector, Puri for kind information of Collector.

District Social Security

TRUE COPY ATTESTED

Additional Secretary to Govt. SSEPD Department

OFFICE OF THE SUPERINTENDING I PURI (R&B) DIVISION, PUR	
The Collector and District Magistrate,	p 550 D 23/27/72
Sub: - Submission of the rough cost estimate for the work "Construction of 1 Unit for Leprosy persons at Jivraji Palli near Lokanath Road, Puri for	0 Nos Residential 2022-23"
Ref: - Your Good Office Letter No 22 (SSEPD Section) Dt. 02.01.2023	

Sir,

In inviting a kind reference to the subject cited above, it is to submit herewith the rough cost estimate for the work "Construction of 10 Nos Residential Unit for Leprosy persons at Jivraji Palli near Lokanath Road, Puri for 2022-23" amounting to Rs. 1,19,01,500.00 for administrative approval and placement of fund.

Encl: - Estimates = 2 Sets.

Yours faithfully,

Superinten Puri (R&B) Division lors Puri

No. 3196 Date. 13/03/9023 Copy forwarded to Assistant Executive Engineer, Building Sub-Division, Puri for Memo No. -319-6 information.

Superintending Engin Puri (R&B) Division

TRUE COPY ATTESTED

ary to Govt Additional Se SSEPD Department

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• • • · · · · · · · · · · · · · · · · ·	<b>%</b> GOVERNMENT OF ODISHA	ANNEXURE:- B
SOCIAL SECURI	TY & EMPOWERMENT OF PERSON	······································
	ction No. 202329715851 / Sanction Date:24/0	
File No. SSEPD-DA4-CASEO	P-0003-2021	······································
Issue No. H232		
To,		
The Accountant General(A & E) Odisha, Bhubaneswar.	),	
Sir/Madam, I am directed to convey the sanctio	n / release of Grant-in-aid in favour of	
1. DISTRICT SOCIAL SECU		00/- (Rupees Fifty Lakh Only.)
as per the details given in annexure	e. In the second s	
Specific Terms and Conditions:	Charles Constraints	,
	amount sanctioned herein shall be submitted to t	SSEPD Department by 30.06.2024.
	e shall be maintained for the amount sanctioned n to State Govt. audit and audit of AG(G&SSA), (	
:	S. Aszer 5 Rimmayoo	Yours Faithfully,
, f		
	SOVERAL STREET	
		n-Deputy Secretary to Government
	ана и и и и и и и и и и и и и и и и и и	
\$	COVERAMENT OF OBISHA	
*	<sup>22</sup> Dipertorate of Prossuries and Inspection	
t 1,		
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		· ·
19. 3 16 18	TRUE COPY ATTESTED	
	Additional Secretary to Govt.	
	SSEPD Department	
1 4 .		
		Signature valid
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1

#### Annexure to Schedule-I

1. Saction Order No. 202329715851 Date NA with File No. SSEPD-DA4-CASEOP-0003-2021

Rs: 0

2. SI. of GIA register maintaned by the Sanction Authority / Counter Signing Authority

1. Name of the Grantee : GOSSEINSOTH0039 DISTRICT SOCIAL SECURITY OFFICERS PURI

2. Category of Grantee : Institutions(Category)- Other Institutions(Sub-category)

3. Purpose of the Grant : Construction of Rehabilitation center consisting of 10 housing units for Cured Leprosy Persons living in Sanjayjee colony

4. Whether conditional /unconditional. Unconditional fconditional specify conditions:

WHEND TO THERE AND 100310 h.A Gaspa 懲 Rs. 5000000 5. Amount sanctioned in cash : 502) 194 6. Amount sanctioned in kind (Specify in value and in quantitative terms) と見 7. Whether Recurring/ Non-Recurring : Non-Recurring

8. Break-up of the Grant-in-aid (drawl is to be made separately for salary, Non-salary (Others) and creation of Capital Asset)

	- 111 章	(1) 西西(1)	
Salary	Non-Salary(Others)	For creation of Capital	Total
	5000000		500000

9. Time limit is 30/06/2024 for utilization of GIA now sanctioned:-

10. Whether Grant-in-aid Register maintained by the Countersigning officer/ Drawing & Disbursing Officer:No

11. Designation of the Countersigning Officer :

12.Designation of the drawing and disbursement officer: PRISSE001 -- DISTRICT SOCIAL SECURITY OFFICER, PURI artigerent and enterent to sparaborat

13. Name of the Treasury/ Special Treasury/ Sub-Treasury in 1999 2601 - Puri District Treasury which GIA bill is to be presented for drawl: 0122 à. 2

14. Detailed Head of Accounts under which Expenditure is to be booked. 10

ſ	0	Malaa	Sub-Major	Minor	Sub	Detailed	Obiect	NPISPICP	(Sector)State/Di	Charged	Normal/
	Grants No.	Major Head	Head	Head	Head	Head	Head	/CSP	st/None		TASP/SCSP
	1.0.	11000								:	
	41	2235	02	200	1179	41048	918	SSS	District Sector	Voted	NORMAL

14 a.b.

15. Cumulative amount of Grant-in-aid available with the Grantee Institution for expenditure during the Year.

I. Opening balance of the unspent balance as on 1st day of April of the year.	Rs.	0
II. Fund so far sanctioned/ released during the year.	Rs.	0
III. Fund now sanctioned in this year.	Rs.	5000000
IV. Total fund available with the Grantee during the current financial year (i + ii + iii)	Rs.	5000000
16. Expenditure so far incurred during the year up to	Rs.	0
17. Balance available for expenditure during the year [15(iv)-16]	Rs.	5000000 Required
18. Whether U.C. is required to be furnished		

- 19. Utilisation Certificate furnished so far during the year under Report (i+ii+iii)
  - I. For the year (t-2)

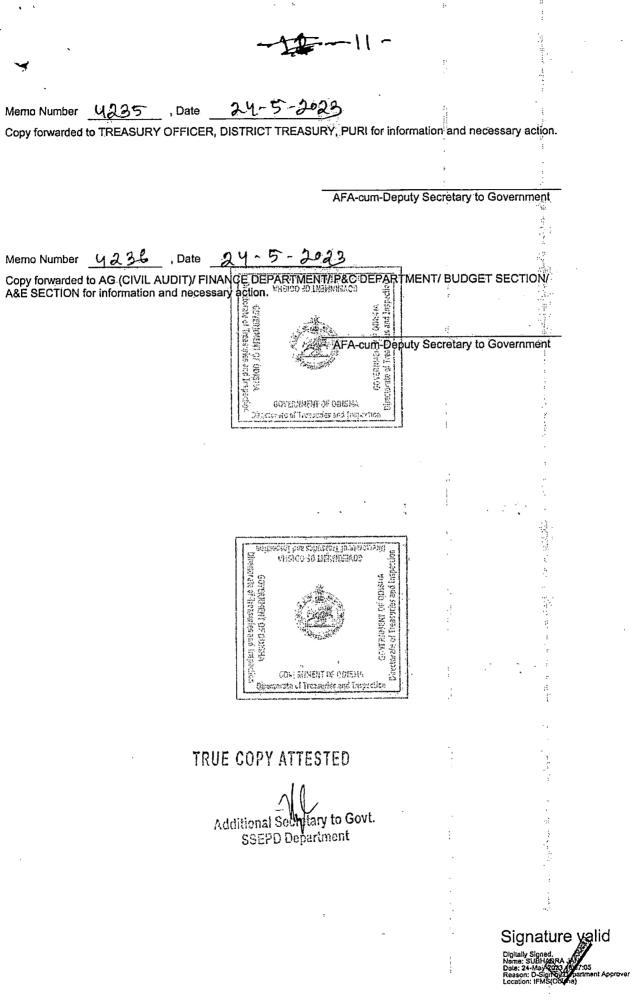
II. For the year (t-1)

Signature

Additional Secretary to Govt. SSFPD Department

TRUE COPY ATTESTED

III. For the year t, if any, (year under report or current financial year) Rs. 0 20. Balance U.C. pending: a. As on 1st April of the year t (year under report or current financial year) Rs. n 0 b.Balance U.C. pending so far as on date of sanction[20(a)-19(III)] Rs. 21. Whether audited statement of expenditure is required to be furnished, if so indicate the details. No 22. Other Condition & Stipulation. I. Whether the Grant-in-aid is subject to audit/test check by the Accountant General. Ňο 12 VH2000-30 113387835805 II. Assets created should not, without prior sanction of Government be disposed of encumbered or utilized for the purpose other than for which Grant-in-aid are sanctioned. III. The achievement cum performance report should be furnished in annexture VII to FD.O.M. No-FIN-COD-Rule-0006/-2014-F/21241 dt:17-07-2014 along with the UC. 12 9 IV. The grantee institution and the Sanctioning Authority should maintain Asset Register in the format. G 23. Name and Designation of Sanctioning Authority: Bhaskar Jyoti Sarma, Commissioner-cum-Secretary Directivale of Treasuries and Increasion Signature Name constant two supercent of Designation of the Sanction Issuing Authority POARBERGED & CLASSING & UNSTAN Intel Intel Date - 202 4233 Memo Number 122 Copy forwarded to DSSO, PURI for information and necessary action. This sanction order follows the Administrative approval accorded for the construction of the rehabilitation center for CLPs vide letter No. 3961/SSEPD Dt. 12.05.2023. He is requested to take necessary steps to expedite the construction of the H IS d'oraite o rehabilitation center. GOVERSER AND Directored of Treasurin AFA-cum-Deputy Secretary to Government Memo Number 4234 , Date 24-5-2023 Copy forwarded to COLLECTOR, PURI for information and necessary action. AFA-cum-Deputy Secretary to Government TRUE COPY ATTESTED Signature valid to Govt. Additional Sec SSEPD Department





ANNEXURE: C

#### **GOVERNMENT OF ODISHA**

Department of Social Security & Empowerment of Persons with Disabilities

No <u>5948</u>/SSEPD, SSEPD-DA4-CASEOP-0003-2021 Dt. 07.07.2023

From

Madhumita Nayak, OAS (SAG) Additional Secretary to Government

То

- 1. Commissioner-cum-Secretary to Government H&FW Department
- The Collector
   (Balasore/ Bargarh/ Cuttack/ Jajpur/ Jharsuguda/ Khordha/ Mayurbhanj/ Puri/ Sundargarh)
- 3. Mr. B.P. Tripathy, Advocate
- 4. Ms. Pami Rath, Advocate
- District Social Security Officer (Balasore/ Bargarh/ Cuttack/ Jajpur/ Jharsuguda/ Khordha/ Mayurbhanj/ Puri / Sundargarh)

Sub: Minutes of the 6th Meeting of the Monitoring Committee set up to review the implementation of the orders of the Hon'ble High Court in WP(C) No.13403 of 2015 (Bipini Bihari Pradhan Vrs. State of Odisha and others.

Madam// Sir,

I am directed to enclose herewith the minutes of the 6th meeting of the Monitoring Committee held on 27.06.2023 for kind information & necessary action.

Yours faithfully. Additional Secretary to Government

Additional Secretary to Government Dt. 07.07.2023.

Memo No. <u>5949</u> /SSEPD,

Copy along with copy of the enclosure forwarded to Special Secretary to Government, H&UD Department / PR & DW Department /R&DM Department for information & necessary action.

Memo No. 5950 /SSEPD,

Additional Secretary to Government Dt. 07.07.2023

Copy along with copy of the enclosure forwarded to Mr. Iswar Mohanty, Additional Standing Counsel for kind information.

TRUE COPY ATTESTED

Hary to Govt. SSEPD Department

Additional Secretary

# Minutes of the 6<sup>th</sup> Meeting of Monitoring Committee dated 27.06.2023

-13--13-

The meeting was held virtually through Google Meet at 5.30 P.M to review the progress of developments taken up in 13 Leprosy Colonies of 9 Districts as per direction of Hon'ble High Court of Orissa.

List of Members present in the meeting are at Annexure-A.

At the outset Principal Secretary, SSEPD Department and Convenor of the Committee welcomed all members and urged the districts to apprise the developments taken up in the Leprosy Colonies meanwhile for information of all members of the Monitoring Committee. Before presentation by districts, the Additional Secretary, SSEPD Department made a brief presentation on the orders passed by Hon'ble High Court during hearing of the case on dated 25.04.2023 and progress of compliance on the orders of Hon'ble Court meanwhile. She also informed about the agendas for discussion in the meeting on following subjects.

- i. Homestead land under Basundhara Scheme.
- ii. Housing under relevant Scheme of Rural/Urban areas.
- iii. Reconstructive Surgery
- iv. Ration Card under NFSA
- v. Pension under MBPY
- vi. Livelihood Activities and
- vii. Rehabilitation Plan for Cured Leprosy Persons (CLPs)
- viii. Any other issues.

Collector, Mayurbhanj made a detailed presentation agenda wise. All eligible inmates of Saraswati Leprosy Colony have been extended with the benefits under MBPY, NFSA, Scholarships and Aids and Appliances etc. Livelihood activities have been taken up to make the beneficiaries of the colony self sufficient. Further, marketing support are being provided by District Administration to increase the income of the beneficiaries. But as the colony is located in the forest land benefit of land and housing have not been provided to the beneficiaries. The beneficiaries are also not willing for relocation to some other place where District Administration has identified land for them. But basic amenities have been provided in the colony.

The Amicus Curiaes present in the meeting Shri Bibhu Tripathy and Ms. Pami Rath highly appreciated the effort of District Administration and requested them to enhance the livelihood activities and providing Marketing support to encourage the economic activities of the beneficiaries of the colony.

TRUE COPY ATTESTED

Additional Secretary to Govt. SSEPD Department

Collector, Jajpur made a detailed presentation agenda wise. Though other benefits like ration card pension, MCR shoes, aids and appliances etc. are being extended to all eligible beneficiaries of Gandhi Nagar Leprosy Colony the District Administration is not able to extend the benefit of land and housing as the land where the colony located is a forest land and the inmates are not ready to move to the patch of land identified by District Administration at Kanheipur of Jajpur Road. However, basic amenities have been provided to the colony and livelihood activities have been taken up to increase their income. The DFO has also been moved for conversion of the land.

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Advocate Shri Bibhu Prasad Tripathy raised about the activities taken up with the help of OLM and Mission Shakti. It is clarified that 30 CLPs have been provided Rs.5000/- each for adopting small livelihood activities like goatary, poultary etc. . Similarly, SHGs have been formed and after their grading, revolving fund of Rs.50,000/- will be extended to the SHGs.

Principal Secretary advised to pay frequent visit to the colony with line Department officials to ascertain the need of the inmates and to cover them under different livelihood activities.

The rest of the districts i.e., Balasore, Khurda, Sundargarh, Bargarh, Cuttack, Jharsuguda and Puri agenda wise presented the detailed activities taken up by them. It is observed that benefits like ration card, Pension under MBPY, Scholarships for students, marriage incentives, aids & appliances and MCR shoes provided by districts as per requirement of inmates of respective Leprosy colonies. It is also observed that in most of the colonies land is the major hindrance to extend the benefit of land rights and housing.

Further, it is also observed by the members that district Administration, Balasore has complied all aspects of the directions issued by Hon'ble Court.

Advocate Ms Pami Rath appreciated the activities taken up by the Balasore District Administration in the Leprosy colony for the social and economic development of the inmates.

Advocate Shri Bibhu Prasad Tripathy informed the committee that he had visited the Colony located at Jamunda, Katapali of Bargarh district and informed that the colony is situated in a private land and steps may be taken for settlement . He also suggested to provide MCR shoes-II to leprosy patients, making provision for drinking water, toilets, proper sanitation in the colony, regular visit of the medical team and timely treatment of patients.

Advocate Ms. Pami Rath also informed about her visit to Sundargarh and Jharsuguda district and the issues of the Leprosy colonies apart from the existing colonies being monitored by Hon'ble High Court.

The Principal Secretary requested to both the learned Amicus Curieas to send a report in this connection to SSEPD Department so that districts can prepare an action plan to address the issues in a timebound manner as per feasibility. TRUE COPY ATTESTED

Wary to Govt. Additional Sec SSEPD Department

The following decisions are taken up in respect of districts as follows:

1. Sundargarh: The ADM in charge of Commissioner, RMC is requested to visit the Leprosy colonies along with the Sub Committee visited by the Amicus Curieas in the meantime and chalk out an action plan to to complete the development activities within a time line in order to comply the orders of Hon'ble Court.

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- 2. Bargarh: The district Administration is requested to complete the process of allotment of land to 55 eligible beneficiaries and cover them under rural housing scheme on priority. Further, the village road under MGNREGA from Sarla to Sevagram, Baragaon with an estimated cost of Rs.5.00 lakh shall be taken up and completed on priority as demanded by the Inmates of Jamunda Katapali, Baragaon Leprosy colony.
- 3. Jharsuguda: Though Jharsuguda district has taken some activities to improve the living standard of Inmates of the Indira Ashram Leprosy colony proactive steps shall be taken up to cover all areas of development so that all inmates will be able to get the benefit to improve their living standard.
- 4. Puri: The estimate submitted by the District Administration for construction of rehabilitation centre with 10 residential units for the rehabilitation of 8 families consisting of 27 members of Sanjayjee Leprosy colony with an estimated cost of Rs.1,19,01,500/- has already been approved administratively and funds to the tune of Rs.50.00 lakh has already been sanctioned by SSEPD Department. The district Administration is requested to ensure commencement of work on priority.
- 5. Cuttack: Though Gandhipali and Nehrupali Leprosy colony already been covered under Jaga Mission, infrastructure need to be developed on priority especially the issue of sewerage.
- 6. Khordha: Out of four Leprosy colonies 2 Colonies i.e., Bapuji and Dharabati and part of Jagannath Leprosy colonies are situated on Railway land. However, Ramakrushna pali and part of Jagannath Leprosy colony are situated on Government land. District Administration is required take up the issue with Railway on priority or else relocate the inmates to suitable sites to address the issue of land and housing. Further, eligible beneficiaries of Ramakrushna pali and part of Jagannath Leprosy colony may be given land right under appropriate schemes and other benefits as per guideline.

All District Administration are required to provide basic amenities to the Leprosy colonies, timely treatment of patients and ensure coverage of eligible beneficiaries under different livelihood activities according to their interest and requirement.

The meeting ended with a vote of thanks to all members.

TRUE COPY ATTESTED

Principal Secretary to Government SSEPD Department

tary to Govt. Additional S SSEPD Department

# IN THE HIGH COURT OF ORISSA: CUTTACK

## W.P.(C) No.13403 of 2015

Bipini Bihari Pradhan

Petitioner

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FARANC

-Versus-

State of Odisha And Others ... Opp. Parties

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2.	<u>Annexure – A</u> . Copy of letter No.1491, dtd. 11.07.2023	3

Cuttack	$\nabla \Lambda$
Dtd. 20.7.23	GOVERNMENT ADVOCATE
ADDL.	GOVERNMENT ADVOCATE