



M/s. Lingaraj Infrastructure ... **Petitioner**
Pvt. Ltd., Bhubaneswar

State of Odisha and others ... Opposite Parties

***For Petitioner : Mr. G. Mukherjee, Sr.
Advocate along with
Ms. A. Mishra, Advocate***

For Opposite Parties : Mr. R.B. Mishra, AGA

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:24.09.2026(ORAL)

G. Satapathy, J.

1. The petitioner, a Private Limited Company incorporated under the Indian Companies Act, 1956 and being represented by its Director, by way of this Writ Petition invokes the extraordinary jurisdiction of this Court under Articles 226 & 227 of the Constitution of India to set-aside the impugned order dated 11.09.2026 passed by the OPNo.3 in UAP Case No.863 of 2026 (NZ) under Annexure-1 and the Show Cause



Notices No.45308 dated 31.07.2026 under Annexure-14 & No.445 dated 05.09.2026 under Annexure-16.

2. In the course of hearing, Mr. Goutam Mukherjee, learned Senior Counsel, who enters appearance for the petitioner in Court today along with learned counsel Ms. Amrita Mishra by filing appearance memo, which is taken on record, submits that the petitioner was served with a notice of Show Cause under Annexure-16 for unauthorized use of residential premises for commercial purpose violating the provision of Orissa Development Authorities Act, 1982 (in short, "the Act") asking the petitioner to submit his explanation within a period of 15 days and to appear before the Deputy Commissioner-Cum-Authorized Officer, ODA Court (NZ), BMC, Bhubaneswar either personally or through an authorized agent and avail an opportunity of personal hearing on 25.09.2026 at 10.30 AM at BMC, ICOMC TOWER, UNIT-IX, JANPATH, Infront of Satya Nagar Kali Temple, but before providing any opportunity to the petitioner, the Authorized Officer,



ODA Court (NZ), BMC, Bhubaneswar passed an order on 11.09.2026 directing to close and remove the commercial activities/non-residential use and unauthorized development by the petitioner and such order being passed without any semblance of jurisdiction, is not only nullity, but also arbitrary and unreasonable and violative of Articles 14, 19(1)(g) & 21 of the Constitution of India and right now, the writ petitioner is facing the threat of sealing of his entire building premises coupled with disconnection of electricity, water supply and stoppage of sewerage to it and this said order being passed without any jurisdiction is liable to be interfered with. Mr. Mukherjee, learned Senior Counsel, accordingly, prays to set-aside the order and to quash the Show Cause Notices.

3. On the other hand, Mr. R.B. Mishra, learned AGA could not validly dispute the impugned order passed by the authority concerned before the scheduled date of hearing as fixed, however, he strongly opposes



the prayer of the petitioner to set-aside the impugned order on the ground that the authority concerned is vested with power to pass such order and, he accordingly, prays to dismiss the writ.

4. After having considered the rival submissions upon perusal of record, this Writ Petition is taken up for disposal at the threshold of admission, since Show Cause Notice was issued to the petitioner to appear in person on 25.09.2026, but the impugned order was passed on 11.09.2026 and, thereby, clear violation of the principle of Natural Justice. A careful perusal of the averments of the Writ Petition together with the documents as produced by the petitioner, it appears to the Court that the petitioner was issued with a Show Cause Notice on 05.09.2026 under Annexure-16 asking him to submit his Show Cause and appear with all the relevant documents before the ODA Court (NZ), BMC, Bhubaneswar within 15 days from the date of issue of such notice as to why appropriate action under the Act and other applicable laws should not be taken against



the petitioner for unauthorized use of residential premises for commercial purpose including demolition/removal of unauthorized development and sealing of the premises, as may be warranted in accordance with law and the date on which the petitioner was asked to appear in person with the documents was fixed to 25.09.2026 at 10.30 AM, which is yet to come, but the authority concerned vide Annexure-1 has passed impugned order directing the different authorities to disconnect the electric connection, water supply and stoppage of discharge of sewerage water with assistance of Police and the petitioner also faces the imminent danger of sealing of his premises. The Show Cause Notice under Annexure-16 was in fact issued under Section 91(1) of the Act, which inter-alia provides for time not less than 5 days, but not more than 15 days to remove any unauthorized activities as contained therein, however, the proviso to Section 91(1) of the Act makes a caveat that no such order shall be made unless the owner or the person concerned has been given reasonable opportunity to



show cause why the order should not be made. No doubt, Section 91(2) of the Act provides an effective and efficacious remedy to the petitioner to approach the Appellate Authority, but mere existence of alternative remedy could not debar a person to challenge the illegal and unauthorized act of the authority or the order passed by the authority without jurisdiction or in excess of jurisdiction.

5. It is plain and clear that the petitioner has not been provided with any reasonable opportunity, much less no opportunity, but reasonable opportunity as provided U/S.91(2) of the Act means an opportunity that is required to be provided for reasonable time to the affected person to place his case before the authority concerned. Law is equally clear that if an order is passed without any authority or jurisdiction, the same being nullity cannot confer right on the authority passing such order to proceed against the aggrieved party. In this case, there is clear violation of principle of Natural Justice and, thereby, the claim of



the petitioner is squarely maintainable under writ jurisdiction, but the authority concerned may proceed afresh in accordance with law by providing sufficient opportunity to the petitioner as admissible under Act and Rules made applicable to this case. In the aforesaid facts and circumstance and on consideration of the documents produced before this Court, it is found that the authority concerned has proceeded against the petitioner in undue haste and without providing reasonable opportunity to the petitioner and, thereby, the principle of Natural Justice being violated for the impugned order being passed without following the due procedure of law, the impugned order under Annexure-1 is unsustainable and is liable to be set-aside.

6. In the result, the present Writ Petition stands allowed and the impugned order at Annexure-1 stands quashed, but the matter is remitted back to the authority concerned for proceeding afresh in accordance with law by providing reasonable opportunity to the petitioner to show cause and place



his case in terms of the Act and Rules. However, it is made clear that the Show Cause Notices have not been quashed or interfered with, but the authority concerned may proceed against the petitioner from the stage of show cause by giving fresh date in terms of the Act.

7. Pending IA No.18474 of 2026 stands disposed of.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 24th day of September, 2026/Subhasmita*