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HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 16th March, 2016

S.R.O. No.121/2016—Whereas the State Government have notified certain area to be transitional area for constitution of Dhamnagar Notified Area Council in then notifications issued in the Housing and Urban Development Department No. 42484, dated the 22nd December, 1998 published in the Extraordinary issue of the *Odisha Gazette* No.1706, dated the 23rd December, 1998 , respectively, bearing **SRO Nos. 860/1998** and **861/1998**;

And, whereas, the said notification was challenged before the Hon'ble High Court in O.J.C. No. 124 of 1999 and O.J.C. No. 290 of 1999 and the said notifications were not given effect to in view of the interim order of the Hon'ble High Court and Dhamnagar Grama Panchayat was constituted in the year, 2007 and 2012 although the said writ petitions O.J.C. No. 124 of 1999 and O.J.C. No. 290 of 1999 were dismissed on 6th November, 2007 and 4th January, 2008 respectively;

And, whereas, the State Government issued a notification No. 23620, dated the 21st November, 2014 as published in the Extraordinary issue of the *Odisha Gazette* No. 1900, dated the 21st November, 2014 appointing Additional District Magistrate, Bhadrak as Administrator for the Dhamnagar Notified Area Council and also issued orders on administration on Dhamnagar Notified Area Council and deployment of technical person for the developmental work relating to the said Notified Area Council vide letter No. 26955–Ele.-19/2004/HUD. and No. 27005–Ele.-19/2004/HUD., dated the 22nd December, 2014 in view of the dismissal of the aforesaid writ petitions;

And, whereas, the aforesaid order dated the 22nd December, 2014 were challenged before the Hon'ble High Court in W.P.(C) No. 2589 of 2015 and No. 9427 of 2015 and the Hon'ble High Court by judgement and order dated the 25th September, 2015 allowed writ petitions by quashing the aforesaid orders dated 22nd December, 2014 and held that

taking step for constitution of Dhamnagar Notified Area Council is not in consonance with the statutory provisions of the Odisha Municipal Act, 1950 and Rules made thereunder and consequential action so taken is illegal, unconstitutional and contrary to Article 243E of the Constitution of India.

Now, therefore, in exercise of the powers conferred by clause (2) of Article 243Q of the Constitution of India read with Sections 4 and 423 of the Odisha Municipal Act, 1950, the State Government do hereby rescind the notifications of the Government of Odisha in the Housing & Urban Development Department No. 42484, dated the 22nd December, 1998 published in the Extraordinary issue of the *Odisha Gazette* No. 1706, dated the 23rd December, 1998 and No. 23620, dated the 20th November, 2014 published in the Extraordinary issue No. 1900 dated 21st November, 2014.

[No.6914-Ele.-13/2016/HUD.]

By Order of the Governor

PABITRA MANDAL

Director, Municipal Administration &
Ex Officio Additional Secretary to Government