

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 4073 of 2023

Chittaranjan Mohanty *Petitioner*
Mr. Sukanta Kumar Nayak, Advocate
-versus-
State of Odisha *Opposite Party*
Mr. Debakanta Mohanty, Addl. Government Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN

Order No.

ORDER
20.02.2023

01. 1. This is a third round of litigation concerning the Petitioner's demand being furnished with a list of political prisoners held during emergency. Pursuant to the first order dated 13th July, 2022 of this Court in W.P.(C) PIL No.6930 of 2020 and further to the order dated 21st September, 2022 of this Court in W.P.(C) No.18205 of 2022, the Petitioner made a fresh representation to the Chief Secretary, Government of Odisha on 10th November, 2022. Pursuant to the above representation, a reply was sent to the Petitioner on 30th November, 2022 by the Finance Department as follows:

“1. Finance Department do not have any scheme or provision to provide financial assistance to political prisoners of emergency unlike Freedom Fighters.

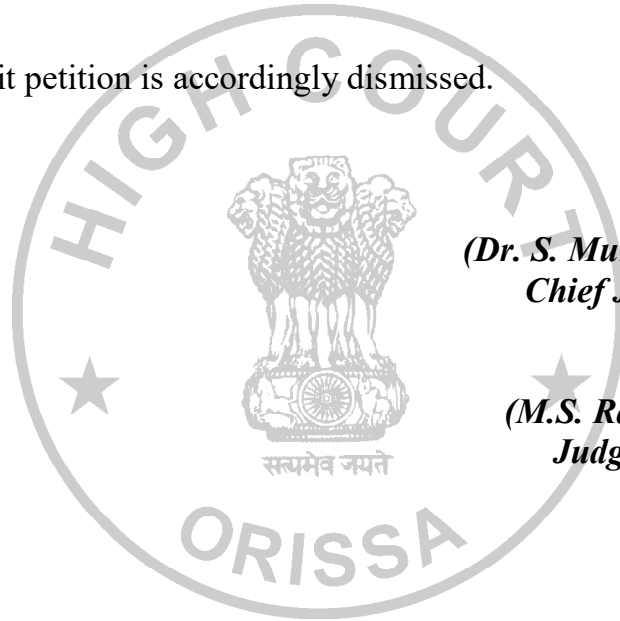
2. No list of Political prisoners under MISA or DIR during the period of Emergency is available in this Department.”

2. Learned counsel for the Petitioner insists that since the representation was made to the Chief Secretary, Government of

Odisha, it is he alone who could have replied to the representation and not the Finance Department.

3. The Court is unable to agree with the above contention. The concerned Department of the Government which is actually handling the issue has to answer. That happens to be the Finance Department which has replied to the Petitioner. If in fact there is no scheme of assistance devised as yet, the Court cannot issue a mandamus in that regard. The Court is not inclined to grant the reliefs as prayed for in this petition.

4. The writ petition is accordingly dismissed.



(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S.K. Jena/Secy.