

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 437 of 2008

Hiranya Kumar Samantray

.....

Petitioner

Mr. A.K. Mohanty-A, Advocate

Vs.

*Chairman, Paradeep Port Trust and
others*

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

11.01.2022

Order No.

13.

This matter is taken up through video conferencing mode.

2. Heard Mr. A.K. Mohanty-A, learned counsel for the petitioner and Mr. P.K. Parhi, learned counsel for the opposite parties.

3. The petitioner has filed this writ petition challenging the order dated 27/28.12.2007 under Annexure-3, by which he has been blacklisted.

4. Mr. A.K. Mohanty-A, learned counsel for the petitioner contended that while blacklisting, no opportunity of hearing was given to the petitioner and, therefore, the petitioner has approached this Court by filing the present writ petition. It is further contended that on being noticed, counter affidavit has been filed by the opposite parties wherein in paragraph-14, it has been stated that this Court vide order dated 11.08.2008 directed that in case opportunity of hearing was not given to the petitioner before passing the order impugned, the same shall be given to the petitioner and thereafter a fresh order shall be passed. In adherence to the order of this Court, the opposite parties had issued a show cause notice on 20.08.2008 to the petitioner to give reply to the same within a period of 15 days. It is contended that in response to the same, though the petitioner has already filed reply to the notice of show cause, till date no action has been taken by the authority on the same.

5. Mr. P.K. Parhi, learned counsel for the opposite parties contended that since the petitioner has already submitted his reply in response to the notice of show cause, the authority shall consider the same and pass appropriate order in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, this writ petition stands disposed of directing the opposite parties to consider the reply filed by the petitioner in response to the notice of show cause, and pass a reasoned and speaking order by complying the principles of natural justice, as expeditiously as possible, preferably within a period of three months from the date of production/communication of certified/authenticated copy of this order. Till then, the order dated 27/28.12.2007 under Annexure-3 shall not be given effect to.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(DR. B.R. SARANGI)
JUDGE

Ashok

(S.K. PANIGRAHI)
JUDGE