

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32 OF 2022

D.Balaraju Rao

.... Petitioner

Mr. Niranjan Panda, Advocate

-versus-

State of Odisha and others

.... Opp. Party

Mr. Dillip Kumar Mishra
Additional Government Advocate

**CORAM:
JUSTICE K.R. MOHAPATRA**

Order No.

**ORDER
22.03.2022**

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition prays to restrain the Opposite Parties from changing the nature of Plot No.2947/7381 and Plot No.2924/7379 under Khata No.405 of Mouza Malkangiri and to issue a direction not to make any permanent construction over the plots which will obstruct the easementary right of the Petitioner to access his land.
 3. It is submitted by Mr. Panda, learned counsel for the Petitioner that the land in Khata No.994/1520 was gifted by the Petitioner to Badyatra Managing Committee for performing Yatra observed annually. But, taking advantage of the same, they have started permanent construction over the same for which the Petitioner's access to Khata No.405 and Khata No.994/1520 is obstructed.
 4. In course of hearing, Mr. Panda, learned counsel for the Petitioner submits that interest of justice will be best served, if the Petitioner files a properly constituted suit seeking proper

relief against the Opposite Parties. In that view of the matter, he prays for withdrawal of the writ petition.

5. Considering the submission made by learned counsel for the Petitioner, this writ petition is disposed of as withdrawn.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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