

IN THE HIGH COURT OF ORISSA AT CUTTACK

O.J.C. No.9713 of 2001

***M/s. B. Engineers & Builders Pvt. Petitioner(s).
Ltd.***

Mr.N.Mohapatra, Advocate

-versus-

***Chief Engineer, National Highways Opposite Party(s)
& Anr.***

MrG.M.Rath, Advocate
(O.P.Nos.3 & 4)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
15.09.2022**

Order No.

10. 1. Heard learned counsel appearing for the parties.
2. This writ petition involves the following prayer:

“It is, therefore, prayed that this Hon’ble Court may be graciously pleased to issue rule nisi calling upon the opposite parties to show cause as to why a writ in the nature of mandamus or any other appropriate writ/writs shall not be issued to quash the circular letter dated 12.7.2001 (Annexure-6) issued by the Chief Engineer, National Highway, Orissa-opposite party no.1;

And if the opposite parties fail to show cause or show insufficient cause, this Hon’ble Court may be pleased to make the rule absolute;

And may be pleased to pass such other order or orders as this Hon’ble Court may deem fit and proper for granting complete and effective justice to the petitioner;

And for this act of kindness, the petitioner shall as in duty bound remain ever pray.”

3. It appears, petitioner has challenged the letter at Annexure-6 on so many grounds indicated in the writ petition. For the opinion of this Court, looking to a demand notice involved, there nothing prevented the petitioner in agitating its objection for consideration of the competent authority. In any case, this Court finds this matter was entertained in 2001 with a direction for no action pursuant to Anenxure-6, which order appears to be continuing as of now. For the

nature of dispute, it is for the opinion of the Court at first hand if petitioner has any objection on the demand/attachment notice at Annexure-6 should raise its objection before the competent authority for their consideration. In the circumstance, this Court finds the writ petition is wholly premature and disposed of with the observation if the petitioner so advised, can raise such objection before the competent authority as a response to Annexure-6 at least within a period of three weeks hence in such event the competent authority shall do well to examine the complain of the petitioner and pass appropriate order by completing such exercise within a period of two months from the date of filing of objection by the petitioner. Till such period, there shall be no coercive action against the petitioner.

sks

(Biswanath Rath)
Judge

