

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10254 of 2006

Jaladhar Rout

.... Petitioner(s)

Mr. M.Ku. Mohanty,
Advocate

-versus-

State of Orissa & Ors.

.... Opposite Parties

Mr. S. Mishra,
Addl. Standing Counsel for O.P.1
Mr. B. Mishra,
Advocate for O.Ps.2 & 3

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
13.09.2022**

Order No.

07. 1. This writ petition involves the following prayer:-

“The petitioner most respectfully prays that the Hon’ble Court may be graciously pleased to allow the writ petition, issue a writ or direction in the nature of mandamus or any other appropriate writ or direction to the opposite parties not to demolish the shop rooms No.1 and 5 and open the locks of the shop rooms Nos.1 and 5 put up by opposite party No.3 on 29.07.2006 and allow him to run his business in the said shop rooms pending adjudication of the appeal by the Chairman as per Section-98(3)(b) of the Orissa Municipal Act and further direct the opposite parties to verify the condition of the building by an Expert Committee constituted by the State Government in the P.W.D. Department or by any other experts before adjudication of the appeal and pass such other or further order / orders as are deemed just and proper.”

2. From the prayer quoted hereinabove, this Court finds, the Writ Petition simply involves a prayer for issuing a direction against the Opposite Parties for not taking any coercive action during pendency of the statutory appeal.

3. From the memo dated 20.08.2009 Mr. Mishra, learned counsel for the Opposite Party Nos.2 & 3 brings to the notice of this Court that in the meantime the Misc. Appeal No.5 of 2006 claimed to be pending in the Writ Petition, is already disposed of by the Chairperson of the Dhenkanal Municipality.

4. In the circumstances, this Court finds, the Writ Petition has already become infructuous.

5. The Writ Petition is, accordingly, dismissed as infructuous.

(Biswanath Rath)
Judge

