

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.16239 OF 2008

Prabhat Kumar Acharya

....

Petitioner

Mr.A.K.Kanungo, Adv.

-versus-

Paradip Port Trust & anr.

....

Opposite Party(s)

Mr.S.K.Padhi, Sr.Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER
15.9.2022

Order No.

04.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves a challenge to the demand notice dated 17.10.2008 issued by the Paradip Port Trust, vide Annexure-5.
3. Learned counsel for the Paradip Port Trust raises objection on entertainability of the Writ Petition on the premises that the lease period involved herein has already expired requiring no interference in the impugned notice. There is, however, no dispute that Petitioner is enjoying protection being granted by High Court and continuing as of now.
4. Learned counsel for the Petitioner to the objection of the learned counsel for the Paradip Port Trust contends, the lease period

might have been expired but once a demand comes to exist, there should be lawful end to such demand.

5. Considering the rival contentions of the Parties, this Court finds, the Petitioner has straightway approached this Court at the demand stage under Annexure-5. There appears, there has been no filing of objection even to at least giving an opportunity to the Paradip Port Trust to consider the grievance vis-à-vis objection, if any, on such demand. In the circumstance, this Court finds, the Writ Petition becomes premature, as there ought to be a decision of the Paradip Port Trust Authority involving objection of the Petitioner involved herein and High Court may not be competent to straight way enter into such disputes.

6. In the process, this Court disposes of the Writ Petition. Keeping in view that the Petitioner is in enjoyment of the interim protection here, while directing to continuation of the interim protection granted by this Court dated 11.11.2008 in Misc. Case No.14101 of 2008, this Court permits the Petitioner to raise his objection to the demand before the Paradip Port Trust Authority at least within a period of two weeks hence. In such event, the objection of the Petitioner shall be considered vis-à-vis the demand involved herein, if necessary the Petitioner will also be provided with opportunity of hearing and decision, as lawful, will be taken

within a period of four weeks from the date of filing of the objection
by the Petitioner.

(Biswanath Rath)
Judge

M.K.Rout

