

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1715 of 2013

Kendareswar Samantaray

....

Petitioner

Mr. Mukesh Panda, Adv.

-versus-

State of Odisha & Ors.

....

Opp. Parties

Mr. J.P. Pattnaik, GA

(for O.P. Nos.1 and 2)

Mr. Debasis Nayak, Adv.

(for O.P. No.3)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

04.01.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard Mr. G.N. Dash, learned counsel appearing on behalf of Mr. Samvit Mohanty, learned counsel appearing for the Petitioner, Mr. J.P. Pattnaik, learned Government Advocate appearing for the Opposite Party Nos.1 and 2 and Mr. Debasis Nayak, learned counsel appearing for the Opposite Party No.3.
3. The Petitioner has filed this writ petition seeking direction to the Opposite Party No.3-Paradeep Municipality to strike down the construction work in respect of Serial Nos.16, 17 and 18 of the Notice inviting tender dated 02.01.2013 vide Annexure-8.

4. While issuing notice on the question of admission on 04.02.2013, this Court passed an interim order in Misc. Case No.1527 of 2013 directing that auction sale as per Annexure-8, excluding the construction work mentioned in Serial Nos.16, 17 and 18, shall continue but no final order shall be made without leave of the Court till 20.02.2013. Thereafter, the matter has not been listed till today and as such the said interim order has already been expired from 20.02.2013.

5. Mr. J.P. Pattnaik, learned Government Advocate for the State contended that the aforesaid land belonged to the State Government and, as such, the construction work was going on by the Opposite Party No.3 and, thereafter, the same has been handed over to Paradeep Municipality to complete the construction. But the Petitioner having no locus has approached this Court by filing the present writ petition.

6. Having heard the learned counsel for the parties and after going through the records, it appears that the construction of boundary wall in respect of Plot No.464, Khata No.59, Mouza-Bijayachandrapur of Paradeep Municipality under Item Nos.16, 17 and 18 of the impugned Notice belonged to the State Government and the State Government has transmitted the said property to Paradeep Municipality and based on which the boundary wall has been constructed to prevent the land from further encroachment.

7. In that view of the matter, the claim of the Petitioner cannot sustain as he has no locus to claim that no construction should be done and, more so, the interim order dated 04.02.2013 passed in Misc. Case No.1527 of 2013 having been expired since 20.02.2013, the writ petition has become infructuous by efflux of time.

8. Accordingly, this writ petition is disposed of as infructuous.

(Dr. B.R. Sarangi)
Judge

(S.K. Panigrahi)
Judge

BJ

