

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2128 OF 2022

<i>M/s. JBS Constructions Pvt. Ltd., Bhubaneswar</i>		<i>Petitioner</i>
		<i>Mr. S. Pattanaik, Advocate</i>
	Vs.	
<i>State of Odisha & Ors.</i>		<i>Opposite parties</i>
		<i>State Counsel</i>

CORAM:

DR. JUSTICE B.R. SARANGI

**ORDER
25.01.2022**

Order No.
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This matter is taken up through video conferencing mode.

2. Heard Mr. S. Pattanaik, learned counsel for the petitioner.

3. The petitioner has filed this writ petition seeking direction to quash the order dated 17.01.2022 under Annexure-4 passed by opposite party no.3, by which opposite party no.4 has been instructed to unblock the schedule of property in the system and go for allowing the documents for registration of the same.

4. Mr. S. Pattanaik, learned counsel for the petitioner contended that for the self-same property, a civil suit bearing C.S. No.1552 of 2021 is pending before the court of learned

Sr. Civil Judge, Bhubaneswar and the learned Sr. Civil Judge, Bhubaneswar vide order dated 28.09.2021 in I.A. No.1 of 2021 directed opposite party no.5 to restrain from alienating any portion of the suit property without consent of the petitioner, till the balance amount as agreed is paid by the petitioner to opposite party no.5 and further directed to the petitioner to pay the balance amount (as per the agreement dated 16.12.2020) within five months of passing of the order, failing which, opposite party no.5 is at liberty to pray the court for appropriate orders in accordance with law. It is further contended that the said order is known to opposite party no.3 and in the order impugned it has also been stated that the matter is subjudice before the learned District Judge, Khurda at Bhubaneswar in FAO No.88 of 2021 and the said case has been posted to 27.01.2022 for hearing. Thereby, if opposite party no.3 is aware about the pendency of the civil proceeding before the civil court, he should not have passed the order impugned under Annexure-4 dated 17.01.2022.

5. Having heard learned counsel for the petitioner, since the petitioner is enjoying the interim order passed by the civil court, any order passed in violation of the said order, he should have brought it to the notice of the civil Court instead of filing writ petition before this Court. Therefore, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to pursue its

remedy before the appropriate forum, if it is so advised.

6. With the above observation, the writ petition stands disposed of.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Alok

(DR. B.R. SARANGI, J.)

