

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.737 of 2021

Banamali Behera

....

Petitioner

Mr. Surya Prasad Misra, Senior Advocate
with Mr. Soumya Mishra, Advocate

-versus-

Sambit Kumar

Garnayak, and another

Contemnors/Opp.Parties

Mr. L. Samantaray, AGA

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

25.04.2022

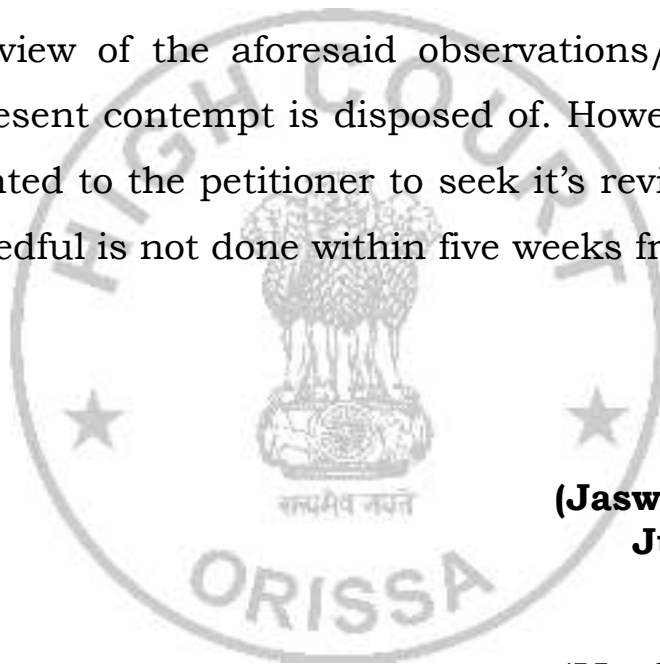
Order No.

- 12.** 1. This matter is taken up through virtual/physical mode.
2. We are informed that the site for the location of a Kiosk in front of Barabati Stadium in compliance of the directions passed by this Court on 05th February, 2020 passed in W.P.(C) No.2627 of 2005 already stands identified and allotted. Even the license fee for operating the Kiosk stands deposited, however, the formal license has not yet been issued by the Tahasildar, Cuttack.
3. Mr. Samantaray submits that since the site forms part of land/space which is reserved for Bali Yatra, the license has been withheld, however, he does not dispute that on the left and right side of the said site there are existing Kiosks of similar nature. Thus, we fail to understand as to what precludes for similar and identical treatment to the petitioner, more so,

when the learned Senior Advocate submits that the space reserved for Bali Yatra is on the other side of the field.

4. Faced with the aforesaid circumstances, we direct the Collector and as well as the Tahasildar, Cuttack to issue a formal license in the statutory form towards the full and final compliance of the directions passed by this Court on 5th February, 2020.

5. In view of the aforesaid observations/directions, the present contempt is disposed of. However, liberty is granted to the petitioner to seek it's revival in case the needful is not done within five weeks from today.



(Jaswant Singh)
Judge

(M. S. Raman)
Judge

Basudev

April 25th, 2022
Cuttack