

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C).No.20998 of 2016

Dusmanta Kumar Mishra

....

Petitioner(s)

Miss. Deepali Mohapatra,
Advocate

-versus-

State of Odisha & Ors.

....

Opp. Party(s)

Mr.U.K.Sahoo, ASC
Mr.S.K.Mishra, Advocate

CORAM:

JUSTICE BISWANATH RATH

ORDER

25.08.2022

Order No.

25

1. Heard learned counsel appearing for the parties.

2. This writ petition involves the following prayer:

“It is therefore, prayed this Hon’ble Court may graciously be pleased to admit this writ petition, call for the records and notice be issued to the opposite parties. Upon hearing the parties quashed the order under Annexure-6 passed by the opposite party no.1 and may pass any other appropriate order, orders, direction, or directions for the ends of justice;

And for this act of kindness the petitioners as in duty bound shall ever pray.”

3. Taking this Court to a report of the competent authority dated 28.8.2017, learned counsel appearing for the petitioners submits that in the meantime, Government has come to the rescue of the petitioner as averred in paragraphs-6 and 8 therein. It is at this stage of the matter, Mr.Mishra, learned counsel appearing for the some of the opposite parties brings to the notice of the Court the disposal of very same issue in W.P.(C).No.21733 of 2016.

4. Miss. Mohapatra, learned counsel appearing for the petitioners raises objection on the same issue being involved in W.P.(C).No.21733 of 2016. There cannot be dispute that above writ involved place of Headquarter of Grama Panchayat and the order of the Single Bench in W.P.(C).No.21733 of 2016 has already been confirmed by Division Bench in Disposal of Writ Appeal No. 10 of 2019 on 29.07.2022.

5. While keeping the development in view, this Court finds difficulty in entertaining the claim vide W.P.(C).No.20998 of 2016. It is at this stage of the matter, Miss. Mohapatra, learned counsel appearing for the petitioners in the present writ petition seeks withdrawal of the writ petition to pursue the remedy flowing from the report of the Sub-Collector dated 28.08.20217. Thus the writ petition is permitted to be withdrawn with liberty as prayed for. This Court expresses no opinion on the merit involving the claim of the petitioners.

(Biswanath Rath)
Judge

Sks

