

IN THE HIGH COURT OF ORISSA AT CUTTACK

OJC No.15984 of 1997

***Sri Kishore Chandra Pattnaik (since dead) represented through legal heirs
Saraswati Pattnaik and others*** ***Petitioners***

Mr. Ramakant Mohanty, Senior Advocate
-versus-

State of Orissa and others ***Opposite Parties***
Mr. Subir Palit, Senior Advocate appearing for the State

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAIAK**

**ORDER
22.06.2022**

Order No.

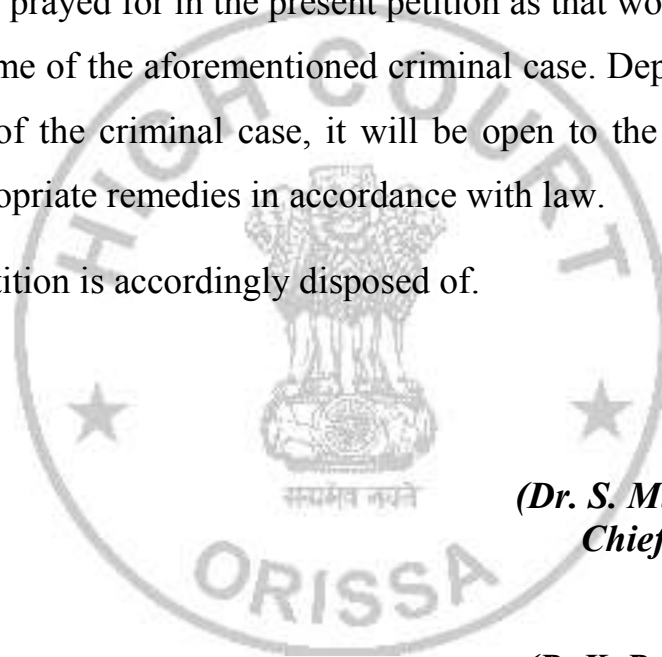
31. 1. An affidavit dated 21st May, 2022 has been filed by the Principal Secretary, General Administration and Public Grievance Department, Government of Odisha pursuant to the order passed by this Court dated 21st March, 2022. Reference in the affidavit has been made to a report dated 7th April, 2022 submitted by the Superintendent of Police, Economic Offences Wing (EOW) to the G.A. Department regarding the progress made in the investigation pursuant to the F.I.R. No.178 dated 20th May, 2005 filed by the G.A. Department (G.R. No.1771 of 2005). It is stated that charge-sheet has been filed against ten accused persons for the offences punishable under Sections 420/467/468/471/477(A)/167/34/120(B) IPC on 28th August, 2015 while keeping the investigation open in terms of Section 173 (8) of the Cr.P.C. As regards the order taking cognizance against the accused persons, it is pointed out that two of them challenged the said order before this Court in CRLMC No.454 of 2017, which came to be allowed on 17th January, 2018. It is stated that the State Government has filed SLP (Criminal) Diary

No.20573 of 2018 in the Supreme Court against the said order and the SLP (Criminal) No.5158 of 2018 arising therefrom is stated to be pending.

2. Mr. Subir Palit, learned Senior Counsel appearing for the State makes a categorical statement that the land in question, which is the subject matter of the present petition, is also a subject matter of the investigation in the aforementioned criminal case, in which charge-sheet has been filed.

3. In that view of the matter, it is not possible for the Court to grant the reliefs prayed for in the present petition as that would depend on the outcome of the aforementioned criminal case. Depending on the outcome of the criminal case, it will be open to the Petitioners to seek appropriate remedies in accordance with law.

4. The petition is accordingly disposed of.



(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

M. Panda