

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7724 of 2018

Sahadev Behera

....

Petitioner

M/s. S. Pattanaik and associates, Advocates

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Ishwar Mohanty, ASC

CORAM:

**THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
25.08.2022**

03. 1. In the counter affidavit filed on behalf of Opposite Parties 1 and 2, it is stated in para-4 as under:

“That, in reply to the averment made by the Petitioner in Paragraphs 5 & 6 of the writ, this deponent humbly states that the Opposite Party No.3 is running a stone crusher unit in Mouza Sahapur, Tahasil-Hinjilicut in the district of Ganjam without affecting to the properties of Govt. viz: Canal embankment and its Roads. He has applied for a Permission for constructing a Culvert over the Bhabandha-Pattapur Canal No.13 to facilitate transportation of collected materials to the Crusher site. His application is under process. The Deputy Executive Engineer, Rushikulya Irrigation Sub-Division, Humma, is now examining the proposal regarding whether there exists any feasibility for grant of permission to the OP No.3 for constructing the proposed Culvert. After all types of examination with necessary field visit the proposal with necessary recommendation will be submitted to Govt. through the concerned Superintending Engineer and Chief Engineer for consideration and final decision.

Hence, the averment of the petitioner that the Opposite Party No.3 is going to construct a bridge over the canal for making use of the embankment road is not true and hence denied. Moreover, the embankment road of this Department is not worthy for plying heavy vehicular traffic. The existence of Primary School in question is at a distance of more than 1 (one) Km.”

2. There is no rejoinder filed to contradict the above averments. In that view of the matter, no further directions are called for in the present petition and the writ petition is disposed of as such.

S.K.. Guin



(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge