

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.11208 OF 2022

Padmalochan Jana & ors.

....

Petitioners

Mr.D.Mohapatra, Adv.

-versus-

State of Orissa & ors.

....

Opposite Parties

Mr.S.Ghosh, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
06.05.2022**

Order No.

02. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“The Petitioners therefore most humbly pray that this Hon’ble Court be graciously pleased to issue Rule Nisi calling upon the Opposite Parties to show cause as to why there shall not be a direction to allow/provide passage to their plot as they are residing and using the passage through Plot No.683 so as to enter into their house and as to why there shall not be a direction to provide a passage to the petitioners and others in the greater interest of justice so as to reach at their houses and use their homestead as before.

And if the Opposite Parties fail to show cause or show insufficient cause to make the said Rule absolute by issuance of an appropriate writ(s), order(s), direction(s) as this Hon’ble Court may deem fit and proper...”

3. There is serious allegation exhibiting through some photographs at Annexure-7 that in the guise of compound walling of a Government house, there is attempt to obstruct the only passage of the Petitioners situated within the compound wall having their residence there. It appears, on the selfsame issue, the Petitioners have already a pending request, vide Annexure-5 and Annexure-6. From Annexure-5, this Court finds, there has been some endorsement for examining the aspect by some Authorities, as clearly borne at the left column of Annexure-5 at Page-21 of the Brief.

4. For the grievance of the Petitioners already pending consideration of the Competent Authority, in disposal of the Writ Petition, this Court directs the Executive Engineer, R & B, Basudevpur, O.P.4 to consider the grievance of the Petitioners, vide Annexure-5 also involving an on spot enquiry in presence of the Petitioners to find out if the Petitioners have any other access to come to the road and take decision, as appropriate, within a period of fifteen days from the date of communication of this order by the Petitioners. In the event there is raising of construction over Plot No.683 situated in Mouza-Balimunda under Basudevpur Tahasil, O.P.4 is directed to maintain a passage provision for the Petitioners till a decision is taken on their grievance petition.

5. Issue urgent certified copy.

(Biswanath Rath)
Judge

M.K.Rout