

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 11558 OF 2022

Himanshu Mohapatra and another* *Petitioners

Mr. Prafulla Kumar Rath, Advocate

-versus-

State of Odisha and others* *Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opp. Party Nos.1 to 4)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

21.12.2022

Order No.

9. 1. This matter is taken up through hybrid mode.
2. The grievance of the Petitioners in this writ petition is with regard to the decision taken in the letter dated 11th March, 2022 issued by the Tahasildar, Bhadrak to the Inspector-in-charge, Town P.S., Bhadrak for initiation of a proceeding under Section 144 Cr.P.C. The Petitioners also assail the consequential orders passed under Annexures-8, 9, 10 and 11.
3. The matter was heard on different dates.
4. Copy of the report along with trace map filed by Mr. Rath, learned counsel for the Petitioners today serving copy thereof on the learned Additional Standing Counsel is taken on record.
5. In course of hearing, on 16th November, 2022, this Court passed the following order:

1. *This matter is taken up through Hybrid mode.*
2. *Mr. Dash, learned AGA suggested that let there be a joint meeting of the Petitioners, concerned Tahasildar as well as an expert presided over by the*

Collector, Bhadrak to find out a solution to the issue involved in this writ petition.

3. *Mr. Rath, learned counsel for the Petitioners submits that lots of culverts have already been constructed for access to the self-same Highway.*

4. *Hence, instead of joint meeting as suggested by Mr. Dash, learned AGA, this Court directs the Collector, Bhadrak to examine the matter in presence of Tahasildar, Bhadrak and expert(s), if any and submit a report with regard to feasibility of construction of culvert over Plot No.1262 under Khata No.898 under mouza Mathasahi and submit a report, taking into consideration the submission made by Mr. Rath, learned counsel for the Petitioners, as aforesaid.*

5. *Put up this matter on 21st December, 2022.*

6. *As requested, a copy of this order shall be handed over to Mr. Dash, learned AGA for communication and compliance.*

6. Pursuant to the said order, the Collector, Bhadrak constituted an expert committee and in the proceeding of the expert committee held on 15th December, 2022, the following decision has been taken.

“After thorough verification of the present field position, the expert committee has drawn one lay out plan to solve the issue in which it is unanimously decided that one connective approach Road widening 60 links over Govt. plot No.1262 and 942 will be permitted for the smooth communication towards the front step of the petitioners own plots, i.e. 1260/2891 Area Ac.0.08 dec and plot No. 1260/2891/2968 Area Ac.0.08 dec of Mouza-Mathasahi. Further, it is decided that from the front side of the petitioners land one approach Road widening 25 links has been drawn towards the southern side covering to the Govt. Plot No.1262 and 942, 943 which is touching to the private plot No.1259 of Mouza-Mathasahi.

Besides it is decided that as per the proposed approach Road over the Govt. plots will obstruct of free

passage of rain and drainage water system, the petitioners are imposed and agreed for construction of culverts over the existed drainage passage in their own cost.

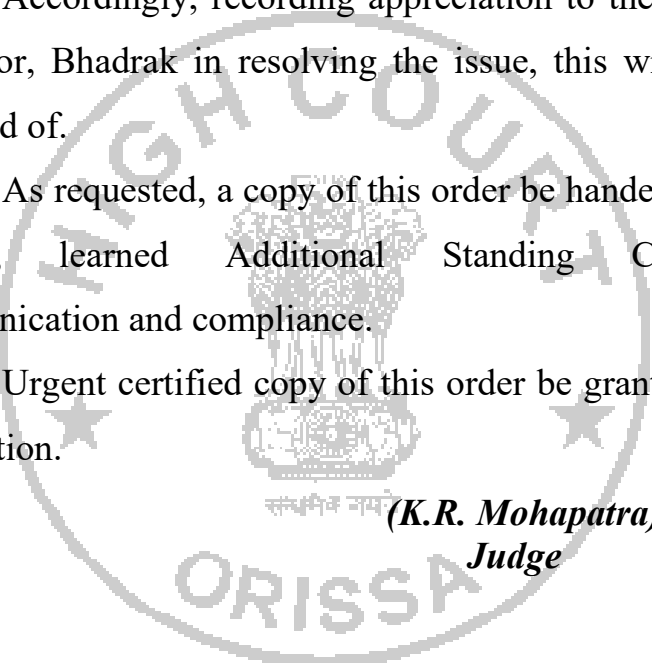
The meeting ended with thanks to the chair. However the attendance of the members and dignitaries are show as below:

7. In view of such decision taken in the expert committee meeting held on 15th December, 2022, this Court feels that no further order is required to be passed in this writ petition.

8. Accordingly, recording appreciation to the effort of the Collector, Bhadrak in resolving the issue, this writ petition is disposed of.

9. As requested, a copy of this order be handed over to Mr. Mishra, learned Additional Standing Counsel for communication and compliance.

Urgent certified copy of this order be granted on proper application.

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, with the words 'HIGH COURT' at the top and 'ORISSA' at the bottom. In the middle, there is text in Odia: 'ଓଡ଼ିଶା ଉଚ୍ଚ ନ୍ୟାୟାଳୟ'.
(K.R. Mohapatra)
Judge

bks