

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.11715 OF 2022

Chakradhar Mahapatra

....

Petitioner

Mr.B.Nayak, Adv.

-versus-

Executive Engineer, P.H.Sub-Division, Puri &ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.8.2022**

Order No.

04.

1. Heard learned counsel for the Parties.

2. The Writ Petition involves the following prayer :-

“It is, therefore, prayed that this Hon’ble Court may be graciously pleased to issue Rule Nisi calling upon the Opp.Parties to show cause why the said Rule shall not be made absolute.

Upon return thereto hear the parties and/or their counsel and for insufficient cause this Hon’ble Court may be further pleased to direct the Opp.Parties to shift the stand post water supply line which is situated just in front of the house of the Petitioner within a stipulated time as deem fit and proper by this Hon’ble Court for the interest of justice.

Any other order/orders that may deem fit and proper be passed in the facts and circumstances of the case...”

3. After hearing at length, by order dated 18.7.2022 this Court directed as follows :-

“1. By order dated 23.06.2022, learned State Counsel was directed to take instruction on the implementation of the order of the Sub-Divisional Magistrate, Puri in Criminal Misc. Case No.214 of 2018. Mr.Panda, learned Additional Government Advocate appearing for the State seeks at least one week further time.

2. Put up this matter on 2.8.2022 but as a matter of last chance.”

4. Today in course of hearing, Mr.Panda, learned Additional Government Advocate files the instruction received from the I.I.C., Seabeach Police Station, Puri disclosing therein that the Boring Point shifting of which has been prayed herein remains unutilized, further it is at least at a considerable distance from the boundary wall of the Petitioner and the I.I.C., therefore, instructed the learned State Counsel that existence of such Boring Point does not affect the Petitioner, Chakradhar Mohapatra in any manner.

5. Taking this Court through the pleading, learned counsel for the Petitioner objects to such contentions and submits that the Boring Point is in the right side of the compound wall of the Petitioner and gets disturbed by the local Meli on many occasions. Firstly, this Court finds, for the instruction of the I.I.C., the Boring Point remains unutilized, it appears, there is no difficulty in the removal of the same. Secondly, the Petitioner being disturbed for the local Meli at odd time is also required attention.

6. While keeping the above in view, this Court further finds, for there is clear instruction that the Boring Point has become useless, to avoid any disturbance to the local public including that of the Petitioner, this Court allowing the Writ Petition directs the Executive Engineer, P.H.Sub-Division, Puri, O.P.1 to take out the Boring Point by removing the Bore well at least within a period of three weeks from the date of communication of this order. In the event, the Public Authority does not work out as per the order of this Court, it is open to the Petitioner to remove the Boring Point at his own cost and realise the expenditure from the Executive Engineer concerned.

M.K.Rout

(Biswanath Rath)
Judge