

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMP No.872 of 2022**

**Niranjan Behera**

....

**Petitioner**

*-versus-*

**Sub-Collector, Banki &  
Others**

....

**Opposite Parties**

**COROM:**

**JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER  
17.05.2022**

**Order No**

- 2.** 1. This matter is not in today's list, but on being mentioned, the same is listed today by Special Notice and taken up on Board through Hybrid Mode.
- 2.** At the outset, learned counsel for the Petitioner files copy of the Petition and the orders passed in CrI. Misc. Case No.42 of 2022 by way of a memo. The same be kept on record.
- 3.** Heard Mr. B.Pujari, learned counsel for the Petitioner and Mr. M.K.Balabantaray, learned Standing Counsel for the State-Opposite Parties.
- 4.** It is submitted by Mr. Pujari, learned counsel for the Petitioner that the Petitioner initiated a proceeding under Section-144 Cr.P.C in Criminal Misc. Case No.42 of 2022 before the Executive Magistrate, Banki.
- 5.** It is submitted that even though the said petition was filed on 04.03.2022 and the learned Magistrate vide order dated 04.03.2022 itself called for a report from the local

I.I.C., but till date no report has been submitted by the local police and accordingly no order has been passed on the prayer made in the said petition.

**6.** It is further submitted that taking advantage of such non-passing of any interim order, the private opposite parties are proceeding with the construction.

**7.** Perused the petition filed under Section 144 Cr.P.C as well as the orders passed by the learned Executive Magistrate on different dates.

**8.** Taking into account the orders passed in the said proceeding, this Court while disposing the Writ Petition directs the Opposite Party No.2 to file the report as directed by the learned Executive Magistrate in the aforesaid case within a period of seven days hence.

**9.** It is also directed that on receipt of such report, learned Executive Magistrate shall pass appropriate order on the application made by the Petitioner. Till such an order is passed by the learned Executive Magistrate, the Opposite Party No.2 is directed to protect the interest of the Petitioner and take appropriate step by restraining the private Opposite Party Nos.6 & 7 from making any construction over Plot No.101, Khata No.12 in Mouza-Chakapada in the district of Cuttack.

**10.** With the aforesaid observations and directions, the CRLMP stands disposed of.

**(Biraja Prasanna Satapathy)**  
**Judge**