

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17241 of 2022

Hrusikesh Sahoo

....

Petitioner(s)

Mr. J. Gupta,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. U.K. Sahoo,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
22.07.2022**

Order No.

01. 1. This writ petition involves the following prayer:-

“The petitioner therefore humble prays that the Hon’ble Court may be graciously pleased to admit this case, issue notice to opposite parties for show cause and after hearing both the sides may be pleased to issue a writ of mandamus/certiorari by directing Authority to restrain the outsider i.e. O.P.No.-4 from unauthorized occupying the Municipal drain ‘NALA’ path for proper drainage of the wastage things from the residential house of the petitioner to Municipality main drain which is under Khata No. 1406, plot No. 837/3641 corresponding to area Ac.0.10 dec. in Mouza Cuttack Sadar, Unit No. 13, Mahammadia Bazar, Cuttack under The Orissa Municipal Corporation Act & Rules, 2003 cost.

Further be pleased to direct the Mayer of the Municipal Corporation i.e. to O.P.No.-3 to finalize the application of the petitioner vide **Annexure-4** within a stipulated period.”

2. Considering the innocuous prayer made in this writ petition and as a representation at the instance of the Petitioner on the selfsame issue is still pending before the Opposite Party No.3, this Court without expressing any opinion on the claim of the Petitioner, directs the Opposite Party No.3 to consider the representation at the instance of the Petitioner vide Annexure-4 and take a lawful decision in the matter taking into account the grounds stated in this writ petition so also the documents appended thereto and also involving the parties likely to be affected.

3. The entire exercise shall be completed within a period of two months from the date of communication of an authenticated copy of this order along with a copy of the writ petition by the Petitioner.

4. The writ petition stands disposed of with the above order.

(Biswanath Rath)
Judge

Ayaskanta Jena