

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18293 of 2022

Manas Ranjan Swain

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Petitioner

*Mr. Joshi, Advocate on behalf of Mr. M.r.
Mohapatra, Advocate*

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

22.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. Joshi, learned Counsel appearing on behalf of Mr. M.R. Mohapatra, learned Counsel for the Petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.

3. The Petitioner has filed this Writ Petition seeking direction to Opposite Party No.2 to consider the representation at Annexure-1 and 3 and take a decision thereof within a stipulated time.

4. Mr. Joshi, learned Counsel for the Petitioner contended that since some miscreants have encroached the Public Road, therefore, the Petitioner has moved the Collector for their eviction. Against the inaction of the Collector, he has approached this Court in the present Writ Petition.

5. Mr. A.K. Mishra, learned Additional Government Advocate for the State contended that making an innocuous prayer before this Court, the Petitioner cannot get the relief as has been made in the Writ Petition.

6. Having heard learned Counsel for the parties and after going through the record, it appears that the Petitioner has alleged that some miscreants have unauthorisedly encroached the Public Road, but their

names have not been indicated either in the cause list or in the pleadings made in the Writ Petition. As such, the eviction if any, has to be undertaken under the provisions of law by the Tahasildar. Instead of approaching the Tahasildar, the Petitioner has approached the Collector by making representation. Therefore, this Court is not inclined to issue any direction to that extent as the Writ Petition is defective one since it suffers from the non-joinder of parties.

7. In view of the above, this Court disposes of the Writ Petition permitting the petitioner to appropriate forum, if he is so advised.

(DR. B.R. SARANGI)
JUDGE

Arun

