

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.18491 of 2022

Kedarnath Swain & Anr.

....

Petitioner(s)

Ms.S.Mohanty, Advocate

-versus-

State of Odisha & Ors.

....

Opp.Party(s)

Mr.S.Ghose, AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

25.08.2022

Order No.

1.

1. This writ petition involves the following prayer:

“It is therefore prayed that this Hon’ble Court may graciously be pleased to admit the present writ application issue rule NISI in the nature of mandamus/certiorari calling upon the opp. party to show cause as to why the representation dtd. 11.07.2022 under annexure shall not be considered by giving an opportunity by hearing to the petitioners and as to why the opp. parties shall not be directed not to construct Swarage or drainage over the suit property.

And in the event to the opp. parties failed to show cause or show insufficient cause the said rule be made absolute and the representation dtd.11.07.2022 under annexure be considered by giving an opportunity of hearing to the petitioners and the opp. parties be directed not to construct Swarage or drainage over the suit property.”

2. On the self same issue, petitioner has filed an application pending before the opposite party no.3. In the pendency of the claim of the petitioner before the competent authority, the writ petition is not entertainable at this stage. However, in disposal of the writ petition, as not entertainable at this stage, this Court directs the opposite party no.3 to consider the grievance of the petitioner vide Annexure-5 and take a lawful decision by working out it within a period of two months from the date of communication of certified copy of this order by the petitioner but however, if necessary, involving he party/parties likely to be affected.

(Biswanath Rath)
Judge