

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.20587 OF 2022

M/s. H and J Traders, Bhubaneswar* *Petitioner

Mr. Amiya Kumar Tarai, Advocate

-versus-

State of Odisha and others

.... *Opp. Parties*

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

17.08.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to the District Administration to protect its interest for smooth transportation of Gypsum Cargo from IFFCO & PPL Plant to its destination.
3. Mr. Tarai, learned counsel for the Petitioner submits that the Petitioner is a commercial organization, which is awarded with a contract for transportation of Gypsum Cargo from IFFCO and PPL Plant at Paradip to its destination. The local Truck Owners' Association is creating disturbances in smooth transportation of consignment for which the Petitioner has approached the Superintendent of Police, Jagatsinghpur, Additional District Magistrate, Paradip Port and the Collector, Jagatsinghpur, but to no effect. Hence this writ petition has been filed.
4. Mr. Tarai, learned counsel further submits that in similar circumstance, this Court in W.P.(C) No.23641 of 2020 vide order dated 20th October, 2020 directed the Collector, Jagatsinghpur to take a decision on the grievance petition of the Petitioner and make way for transportation of consignment at the instance of the

Petitioner therein. He, therefore, submits that the Petitioner may be extended with similar relief in this writ petition.

5. Mr. Mishra, learned Additional Standing Counsel objecting to the same contended that in the said writ petition (W.P.(C) No.23641 of 2020), the Petitioner therein had approached the concerned I.I.C. and against his inaction, he had moved the higher authority, but to no effect. Hence, this Court considering the inaction of I.I.C. directed the Collector, Jagatsinghpur to take a decision in the matter. In the present writ petition, there is no material on record to show that the Petitioner had, in fact, approached the concerned I.I.C. alleging obstruction by the local Truck Owners' Association. It is his submission that the local Truck Owners' Association, against which the allegation is made, is not made a party to the writ petition. Hence, no relief can be granted against the said Association.

6. Taking into consideration the rival contentions of the parties, this Court is of the considered opinion that if the Petitioner has any grievance of obstruction in transportation of its consignment, he should approach the concerned I.I.C. in that regard so that the I.I.C. would be in a position to take appropriate action in the matter, but the same has not been done in the instant case.

7. In view of the above, this writ petition is disposed of with an observation that in the event the Petitioner files a complaint before the concerned I.I.C., he may do well to consider the same and do the needful in accordance with law.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge