

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20842 of 2022

<i>Basanti Dei @ Sahoo & others</i>		<i>Petitioners</i>
		<i>Ms. D. Mahapatra, Advocate</i>
	Vs.	
<i>State of Odisha and others</i>		<i>Opposite parties</i>
		<i>Mr. A.K. Mishra, AGA</i>

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

30.08.2022

Order No.
02

This matter is taken up through hybrid mode.

2. Heard Ms. D. Mahapatra, learned Counsel for the Petitioners and Mr. A.K. Mishra, learned Additional Government Advocate for the State.
3. The Petitioners have filed this Writ Petition seeking direction to Opposite Party No.4 to proceed with the U.A.P. Case No. 57 of 2021 and to take appropriate step for demolition of the unauthorized construction over the suit land, i.e. Plot No. 114 corresponding to Khata No. 122 in Mouza Sijua under Bhubaneswar Tahasil.
4. Ms. D. Mahapatra, learned Counsel for the Petitioners contended that the U.A.P. Case No. 57 of 2021 is pending before the authority concerned and though Opposite Parties 5 and 6 have entered appearance on 29.11.2021, but since no step was taken by Opposite Party No.4, the opposite parties 5 and 6 are proceeding with the construction. Therefore, they have approached this Court seeking direction to Opposite Parties 5 and 6 not to go ahead with the construction work when the matter is pending before the Opposite Party No.4.

5. Mr. A.K. Mishra, learned Additional Government Advocate contended that as has been pleaded in the Writ Petition among the parties, Civil Suit No. 1477 of 2021 is pending before the Civil Judge (Senior Division) Bhubaneswar so also UAP Case No. 57 of 2021 is pending before Opposite Party No.4. The petitioners if has any grievance, they should approached such forums instead of approaching this Court in the present Writ Petition.

6. Having heard learned Counsel for the Parties and after going through the record, since the dispute between the Petitioners and the Opposite Parties 5 and 6 is pending in Civil Suit No. 1477 of 2021 before the Civil Judge (Senior Division) Bhubaneswar and before the Opposite Party No.4 in UAP Case No. 57 of 2021, this Court is not inclined to entertain the prayer made in this Writ Petition. However, liberty is granted to the Petitioners to pursue their remedy before the appropriate forum bringing to their notice that in spite of receipt of notice, Opposite Parties 5 and 6 without participating in the proceeding are going on the construction work. If such fact is brought to the notice of the Court below, it is open to the Court below to do needful in accordance with law.

Arun

(DR. B.R. SARANGI, J.)