

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 104 of 2022

Nadira Zahoor

.....

Petitioner

Mr. B.K. Parida, Adv.

Vs.

State of Odisha & Others

.....

Opposite Parties

Mr. D. Nayak, A.G.A.

CORAM:

**JUSTICE S.TALAPATRA
JUSTICE SAVITRI RATHO**

ORDER

23.11.2022

Order No.
03.

1. This matter is taken up through hybrid mode.
2. We have heard Mr. B.K. Parida, learned counsel appearing for the petitioner.
3. Mr. Parida, learned counsel has submitted that despite the order of this Court, the police could not locate and rescue the missing person namely Soukat Ali Khan.
4. Mr. D. Nayak, learned Addl. Govt. Advocate appears for the State and referred to the report dated 09.11.2022 submitted by the I.I.C., Lalbag Police Station, Cuttack. In that report, the police has placed the brief statement of their actions. It has been observed in the said report that there is no proof or evidence of any illegal confinement by any person. According to the police, the missing person has fled away from the family.

It appears to us, this court is not expected to issue any writ of

habeas corpus in the absence of any allegation of illegal detention or confinement. There is no allegation against any person or authority of detaining or captivating the missing person.

5. Mr. Parida has fairly admitted that no such allegation has been even leveled in the writ petition against any person or any authority.

6. As such, we are of the view that this petition for issuance of a writ of habeas corpus is not sustainable.

7. In the changed circumstances, we direct the opp. parties no. 2 and 3 to continue the search operation and take all efforts to find out the missing person. If the missing person is traced or located, such information shall immediately be provided to the petitioner. The police is further directed to keep the petitioner apprised from time to time progress as regards.

8. Subject to the observations, this writ petition stands disposed of.

9. The copy of the report dated 09.11.2022 is taken on record.

10. Urgent certified copy of this order be granted as per rules.

(S.Talapatra)
Judge

(Savitri Ratho)
Judge

Sukanta