

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.22235 OF 2022

***M/s.Paradip Parivahan Pvt. Ltd,
Jagatsinghpur***

....

Petitioner

Mr.S.Mishra, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA
Mr.S.Satapathy, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
7.9.2022**

Order No.

- 03.
1. Heard learned counsel for the Parties.
 2. The Writ Application involves the following prayer :-

“Under the aforesaid facts and circumstances as narrated above, this Hon’ble Court may graciously be pleased to admit this Writ Petition, issue Rule Nisi to the opposite parties, calling upon the Opp. Parties to show cause as to why

 - (i) A direction shall not be made to the local administration as well as police to provide adequate protection in order to operate the Railway siding smoothly; and
 - (ii) Appropriate actions shall not be taken against the Members of the Opp.Party No.8 who has forcibly obstructed the Operational Work at Railway Siding.

And if the Opp.Parties fail to show cause or show insufficient cause, the Rule be made absolute and/or further be pleased to pass and other Writ/s, Order/s, Direction/s as deem fit and proper in the interest of justice.”

3. There is a serious allegation of not allowing the movement of transportation through the Petitioner's Establishment in and around involving the locality. Learned counsel appearing for O.P.9 also raises serious objection of unnecessary and unlawful obstruction of such transportation through the Petitioner to O.P.9 ultimately affecting the industrial activities.

4. Entertaining the Writ Petition, this Court by order dated 5.9.2022 directed the learned State Counsel to obtain instruction from the concerned Collector as well as the A.D.M. as to the reason of obstruction, which reads as follows :-

“1. Keeping in view the urgency involved herein and also the allegation that the trucks with very urgent materials have been stranded creating an impediment in running of the Industry-Opposite Party No.9, this Court directs the learned State Counsel to obtain instruction from the concerned Collector as well as the A.D.M. as to the reason of obstruction.

2. List this matter by day after tomorrow (7th September, 2022).

3. It is, however, made clear that pendency of the Writ Petition shall not stand as a bar in clearing the unlawful obstruction in the meantime.”

5. Today in further hearing of the matter, learned State Counsel filed the instruction Memo received from the I.I.C., Kalinga Nagar P.S., Paragraph-9 of which reads as follows :-

“Para-9- It is humbly submitted that the objection raised by the petitioner's company regarding the callousness of

local administration as well as Police are not true. There is no such obstruction/threatening was made to the employees of petitioner's company.

On 25.08.2022 the gate of Railway Siding of MESCO Steel was opened and loaded trucks were allowed to enter into the sidings for unloading. No further complain was received from the petitioner's company on the closure of the Railway Siding gate. However, subsequently on receipt of the information from MESCO Steel Authority, immediately the Railway Siding gate was opened by administration in presence of Police. Now there is no such obstruction found at the gate of Railway Siding.

However, on the written information of petitioner company on dtd.24.08.2022 which was received at Kalinga Nagar P.S. by post on dtd.30.08.2022 and basing on which the P.S. Case No.187/30.08.2022 under sections 341/385/506/447/34 IPC has been registered and the case is under investigation."

6. From reading the aforesaid, it appears, while admitting that there was obstruction in the movement of trucks of the Petitioner, it is disclosed, there is not only clearing of the road in the meantime but there has been also registration of an F.I.R. based on such illegal obstruction pending before the Kalinga Nagar P.S. The Petitioner and O.P.9 even though submitted that the road involved is now cleared, but are apprehensive of repetition of obstruction in future. Keeping in view the written instruction to the learned Advocate General Office by the I.I.C., Kalinga Nagar P.S., this Court while recording the undertaking that there is no obstruction of any nature obstructing the transportation of the materials of the Petitioner to O.P.9- Company at present hopes and expects, there should not be

repetition of illegal and unlawful obstruction of this nature in future, as it becomes the responsibility of the District Administration as well as local Police to see that there is no unlawful obstruction taking place in any road activities. In the event of second attempt of this nature by any Party, it will be construed to be a Contempt of Court committed by the District Administration as well as the Police Authority concerned.

7. With the above observation, the Writ Application stands disposed of.

8. A free copy of this order be supplied to the learned Additional Government Advocate for onward transmission to the Superintendent of Police Jajpur, the I.I.C., Kalinga Nagar P.S. and the District Administration, Jajpur.

(Biswanath Rath)
Judge

M.K.Rout