

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.27419 of 2021
(Through hybrid mode)**

Anirudha Naik

....

Petitioner

Ms. S. Das, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. A.K. Nanda, AGA
Mr. S.K. Swain, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
07.12.2022**

**Order
No.**

7.

1. Ms. Das, learned advocate appears on behalf of petitioner and submits, prayer of her client is for direction upon opposite party nos. 4 and 5 to conduct enquiry into allegations made by them before releasing payment on bills for the work excavation of Champeidwar Bada Pokhari and construction of Champeidwar playground and road. She draws attention to letter dated 3rd August, 2021 written by opposite party no.4 to opposite party no.5. Text of the letter is reproduced below.

“Enclosed please find herewith the allegations received from the villagers of Champeidwar, GP-Gadapokhari which are self-explanatory.

You are therefore requested to cause an inquiry and furnish a factual report to this office by 11.08.2021 for further action at this end. Till completion of enquiry to utmost satisfaction, no further remittance be made against bill submitted.

2. Mr. Nanda, learned advocate, Additional Government Advocate appears on behalf of State and submits, opposite party no.5 has filed counter dated 25th November, 2021. He draws attention to the counter, in particular paragraphs 8 and 11 to 13. Mr. Swain, learned advocate appears on behalf of opposite party no.8, Sarpanch of the village. He submits, the allegations are wild and reckless. The writ petition is dismissed.

3. Ms. Das in reply points out, opposite party no.5 directed those officers, against whom allegations were made in the writ petition, to conduct purported enquiry.

4. It appears from said letter dated 3rd August, 2021, opposite party no.4 took cognizance of allegations received from villagers of Champeidwar. The counter affidavit filed on behalf of State does not disclose enquiry report. It is therefore not possible for Court to ascertain, who made the enquiry and when. This would be relevant to submission made on behalf of petitioner that them against whom allegations have been made, were required to make the enquiry.

5. Opposite party no.4 is directed to call for report from opposite party no.5, regarding allegations received from the villagers. Said opposite party, keeping in mind the allegations made, will ascertain position on the ground from the enquiry report as well as by calling such persons and inspection, if necessary, to thereupon pronounce result of the deliberation. Same is to be informed to petitioner's learned advocate, within six weeks of communication. It goes without saying that direction made by opposite party no.4 in aforesaid letter dated 3rd August, 2021 may be continued or otherwise modified by said opposite party.
6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks