

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.22981 OF 2022

Banchhanidhi Panigrahi

....

Petitioner

Mr.A.Pattanaik, Adv.

-versus-

State of odisha & anr.

....

Opposite Party(s)

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
12.10.2022**

Order No.

02.

1. Heard learned counsel for the Parties.
2. There is serious objection by the learned State Counsel in entertaining the Writ Petition.
3. Factual background involved here is that the proposed Vendor of the Petitioner applying ownership of the property of the Government being considered and rejected by the Competent Authority is not showing any further interest in challenging such order. Present Writ Petition involved has been brought by the intending buyer from a person even not having ownership over the property as of now.
4. A statement is made by the learned counsel for the Petitioner, the proposed buyer, that in the meantime on the basis of

an agreement, the present Petitioner has come to possess the dispute property. Keeping in view the statement above, this Court observes, possession, if any, of the present Petitioner is completely against law. Agreement, if any, involving the Parties having no right over property has no room in the eye of law.

5. In the circumstance, this court is satisfied with the objection raised by the learned State Counsel on the aspect the Petitioner having no locus standi to challenge even the rejection order of the G.A. Department involving the disputed property. For finding the owner in possession entered illegal transfer of the property not showing interest, the Writ Petition at the instance of the Petitioner is per se not entertainable. In filing the Writ Petition, there is clear abuse of process of Court.

6. In the circumstance, while dismissing the Writ Petition, this Court for deliberate wastage of time and attempt to abuse the process of Court imposes cost of Rs.10,000/- (rupees ten thousand) on the Petitioner to be paid to the Red Cross Fund of the District within seven days and in default of payment, it will be realized from the Petitioner as civil recovery.

(Biswanath Rath)
Judge

M.K.Rout