

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23041 of 2022

Manoja Manjari Samantaray **Petitioner**
Mr. S. Mohanty,
Advocate

-versus-

State of Odisha & Ors. **Opposite Parties**
Mr. S. Mishra,
Addl. Standing Counsel for O.Ps.1 to 4

CORAM:
JUSTICE BISWANATH RATH

ORDER
20.09.2022

Order No.

02. 1. This case involves the following prayer:-

“It is therefore humbly prayed that, this Hon’ble Court may graciously be pleased to issue RULE NISI calling upon the opp.parties to show cause or show insufficient 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 transport the materials smoothly ; and to take steps for permanent settlement of the issue,
- (ii) And to why the appropriate action shall not be taken against the three truck owners association who has forcibly restrained the truck on the road.

- (iii) And further be pleased to pass any other order / orders, direction / directions be issued as this Hon'ble Court would deem fit & proper;"

2. Being prima facie satisfied with the submission of learned counsel for the Petitioner this Court on 8.09.2022 passed the following order:-

"1. Issue notice on the question of admission.

2. Since the Opposite Party Nos.1 to 4 will be represented by the learned State Counsel, no notice be issued to them. Let four extra copies of the brief be served on the learned State Counsel within three working days hence.

3. Since Mr. Pradeep Kumar Das, learned counsel has already entered his appearance on behalf of the Opposite Party Nos.5 & 6, no notice be issued to them. Let two extra copies of the brief be served on Mr. Pradeep Kumar Das, learned counsel within three working days hence.

4. Notice be issued to the Opposite Party Nos.7 to 9 by way of Speed Post / Registered Post with A.D. fixing a short returnable date. Requisites for issuance of notice shall be filed by tomorrow (9th September, 2022).

5. It is further directed that during pendency of Writ Petition it becomes the responsibility of the Public Authorities such as the Collector & District Magistrate, Jagatsinghpur and the Superintendent of Police, Jagatsinghpur to see that there is no obstruction in the transportation activities unlawfully by any concerned.

6. Response of the Collector & District Magistrate, Jagatsinghpur be also filed by next Tuesday (13th September, 2022).

7. List this matter on 14th September, 2022."

3. There has been filing of an affidavit by the competent authority showing that there was some sort of obstruction by way of 'Dharana' leading to filing of an F.I.R. It is also claimed that the Police authorities are proceeding in terms of the F.I.R. It has been brought to the notice of this Court that by the time of filing of the counter affidavit there has been smooth running of the vehicle and there is also no obstruction in the movement of the vehicles presently.

4. By filing an additional affidavit in Court today learned counsel for the Petitioner claims that there is no blockage in the movement of the Trucks presently and the Trucks of the Petitioner are moving smoothly.

5. Though this Court finds, there is presently no blockage and vehicle of the Petitioners passes smoothly this Court here finds, the allegation of blockage of the road in the particular area in the District of Jagatsinghpur is coming again and again. There has also been disposal of several Writ Petitions on this score. Many of which have already been disposed of vide W.P.(C) No.28962 of 2021 and again a matter vide W.P.(C) No.18781 of 2022. To avoid unnecessary flowing of these litigations, this Court finds, it becomes the responsibility of the Local Administration and the Police Authority to see there is absolutely no blockage of road in the particular area in future. For the flowing of repeated nature of Writ Petitions and to check such issues for all times to come, this Court directs, the District Administration and the I.I.C. of each Thana in the Jagatsinghpur District shall ensure that there is no obstruction in the movement of the private vehicles in the particular area for

unnecessary reasons and there is no repeat filing of unnecessary litigations of this nature. It is also made clear that violation of this order will be amounting to contempt of the Court's order at the instance of the I.I.C involved and the Collector, Jagatsinghpur

6. The Writ Petition stands disposed of.

7. Free copy of this order be handed over to the learned State Counsel for necessary communication and compliance.

Ayaskanta Jena

