

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C).No.30439 of 2021

Amulya Kumar Pradhan

....

Petitioner

Mr.S.P.Das, Advocate

-versus-

State of Odisha & Anr.

....

Opposite Party(s)

Mr.D.K.Mishra, AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

18.01.2022

Order No.

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1. This matter is taken up through Video Conferencing Mode.
2. Heard learned counsel appearing for the petitioner.
3. Though this is a matter for substitution of PLRs of the sole petitioner along with fresh admission, this Court from the pleadings involving the writ petition finds pursuant to intervention of the Hon'ble Chief Minister, there is already an order against the petitioner since 2003. It appears, the petitioner himself approached this Court by filing W.P.(C).No. 1197 of 2004 on the self same issue but, however under the pretext of not knowing the decision passed in 2003 rejecting the request of the petitioner. However, this writ petition appears to have been disposed of with a direction to the Secretary, General Administration Department-opposite party no.1 to take a decision in the matter of allotment of the land involved in favour of the petitioner, as directed by Lokpal within a period of two months from the date of that order. It be stated here that this writ petition was disposed of on 1.3.2004 and the order of rejection in consideration of the case of the petitioner is filed vide Annexure-9 claiming to have been obtained by the petitioner through the provision of Right to Information application dated 7.11.2003. By this order, there is already rejection of the claim of

the petitioner on a ground stated therein available at page- 45 of the brief, which is reflected hereunder:

“May not be reconsidered as regularization of encroachment would be a bad precedent. Previous calls of regularization, if taken as precedent would only encourage people to encroach on Govt. land.”

4. This order appears to have been passed under the signature of the Chief Secretary and also under the signature of the Hon'ble Chief Minister involving a direction being issued by the Lokpal Office in connection with Lokpal Case No.88G/2000. It appears, in 2005, petitioner again moved another writ petition. This action found to be in non-disclosure of the disposal in the meantime. Through this writ petition again a request was made to withdraw the writ with permission to make a further request to the competent authority after obtaining copy of the order dated 15.11.2003. It is for the sake of brevity, this Court takes note here the order dated 6.9.2019 passed in W.P.(C).No.10487 of 2005 at page-43 of the brief. Reading the aforesaid order, it becomes clear that the petitioner filed the writ petition in 2005 clearly indicating his grievance involving the decision of authority against the petitioner dated 15.11.2003, clearly borne from Annexure-4 therein. This Court here rejects the contention of Mr.Das, learned counsel appearing for the petitioner that petitioner was unaware of the decision dated 15.11.2003 and only came to know after he was supplied copy of the same vide Annexure-9 on 12.2.2021. It appears, the petitioner has filed the writ petition on falsehood and on suppression of material facts, when undisputedly order dated 15.11.2003 already involved earlier and the challenge on the self same issue even after filing copy of the same through Annexure-4 in the writ petition filed in 2005. Present writ petition appears to have been filed on false pretext and this Court declines to entertain the writ petition any further.

5. The writ petition thus dismissed accordingly. The I.A. also accordingly refused to be entertained.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022..

(Biswanath Rath)
Judge

Sks

