

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.5784 of 2021

Debabrata Patnaik

.... Petitioner

Mr. Avanish Panda, Proxy Counsel,
on behalf of Mr. N. K. Sahu, Advocate

-versus-

***Pradip Kumar Samal,
Engineer-in-Chief, Public
Works Department,
Government of Odisha,
Bhubaneswar, District-
Khurda***

***.... Contemnor/
Opp. Party***

Mr. L. Samantaray, AGA

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO**

**ORDER (Oral)
28.10.2022**

Order No.

03.

This matter is taken up through virtual/physical mode.

1. The petitioner and other residents of VSS Nagar, Bhubaneswar had filed W.P.(C) No.22761 of 2019 (PIL) challenging the action of the Engineering Department in extending the leg of the proposed Flyover over a Railway track in and above the residential colony of the petitioner by deviating from their original plan and alignment. The said writ petition was disposed of vide order dated 30.03.2021 directing the Engineer-in-Chief, Public Works Department to provide the petitioners with a copy of

3rd plan (revised) so as to enable the petitioners to make a representation. Since allegedly the plan was not supplied, hence the present contempt has been filed.

2. Upon notice, a compliance affidavit dated 03.08.2022 has been filed by Mano Ranjan Misra, Engineer-in-Chief, Public Works Department. Paragraphs 5, 6 and 7 of the same read as under:

“5. That in compliance to the direction of the Hon’ble Court’s order dtd.30.03.2021, the Asst. Executive Engineer, (R&B) Sub-Division No.III to handover 3rd Revised Plan to Sri Debendra Patnaik in person with proper acknowledgement. Accordingly, the concerned Engineer had met with Sri Pattnaik for the purpose, but he had refused to receive the same by hand. Thereafter, the concerned Engineer of Division No.IV, Bhubaneswar returned back and the said document had sent to Sri Debendra Patnaik through Speed Post on 16.11.2021, which might have received by Sri Pattnaik as the documents has not yet returned back to the Bhubaneswar (R&B) Division No. IV, Bhubaneswar.

6. That, it is humbly submitted that again as per instructed by the Engineer-in-Chief (Civil) for 2nd time vide letter No.4441 dtd. 26.07.2022 through Special Messenger sent copy of 3rd Revised Plan No.91A/18 of ROB over LC-186 of VSS Nagar, Bhubaneswar to Sri Debabrata Pattnaik and the petitioner had received the same. Copy of letter No.4441 dtd.26.07.2022 is enclosed herewith as **Annexure-A/1**. The petitioner intimated that he had already received the copy of 3rd Revised Plan No.91A/18 of ROB over LC-186 of VSS Nagar, Bhubaneswar on 18.11.2021 through Speed Post. Copy of receipt showing sending of the letter through speed post as well as front page of the envelope which contains the copy of the letter

received from the petitioner through whatsapp is annexed herewith as **Annexure-B/1**.

7. That as per the direction of the Hon'ble Court, the petitioner did not submit representation before the Opp. Party No.3 i.e. Engineer-in-Chief, Public Works Department, Govt. of Odisha, but the same has not submitted his representation till date."

3. On the previous date of hearing on 26.08.2022, learned counsel for the petitioner had prayed for time to file a counter affidavit, however the same has not been filed.

4. In view of the above, we find that the orders passed by this Court stand duly complied with rendering the contempt as infructuous.

5. The CONTC is accordingly dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Sahoo)
Judge

AKK

28th October, 2022
Cuttack