

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.26821 of 2022

Bilash Ch. Bhoi and Ors. *Petitioners*
Mr. Trilochan Barik, Adv.

-versus-

State of Odisha & Ors. *Opp. Parties*
Mr. D. Mund, AGA
(for State)
Miss. S.L. Patnaik, Adv.
(for O.P.8)
Mr. P.K. Praharaj, Adv.
(for O.P.9)
Mr. B. Das, Adv.
(for intervener)
Mr. P.K. Jena, Adv.
(for O.P.10)

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER

08.12.2022

Order

No.

W.P.(C) No.26821 of 2022 and I.A. No.15345 of 2022

03. 1. These matters are taken up through hybrid arrangement.
2. Heard.
3. The Petitioners, in this case, seek preventive direction from this Court to the Revenue Authorities to stop and/ or to shift loading/ unloading/ dumping of Coal, Gypsum, Kinker, Australia Dust and Iron Ore at Nirgundi Railway siding from Bilteruan village premises to any other suitable place in order to save and protect the health and environment of Bilteruan

and other villagers and to prevent the health hazards sustained due to Dust, Air, Mud, Water, Soil, Noise pollution.

4. Mr. Budhiram Das, learned Advocate who has filed the intervention petition i.e. I.A. No. 15345 of 2022 on behalf of the interveners submits that some of the Petitioners have filed a suit bearing C.S. No.332 of 2011 which is still pending in the court of the learned 2nd Additional Civil Judge (Senior Division), Cuttack.

5. Since the suit filed by the present Petitioners on the same cause of action is pending before the learned 2nd Additional Civil Judge (Senior Division), Cuttack., this Writ Petition smacks the abuse of process of law. The Petitioners should have approached this Court after withdrawal of the said suit or should have pursued the suit in accordance with law.

6. In view of such facts, the Petitioners are imposed a cost of Rs.5000/- (rupees five thousand only) for the alleged forum shopping and abused of the process of law. The cost amount shall be deposited with the Orissa High Court Bar Association Welfare Funds within a period of three weeks from today.

7. In such view of the matter, the Writ Petition is disposed of granting liberty to the Petitioners to approach the learned 2nd Additional Civil Judge (Senior Division), Cuttack for persuing the matter and the learned 2nd Additional Civil Judge (Senior Division), Cuttack shall dispose of the aforesaid civil suit as

early as possible preferably within a period of 6 (six) months from today.

8. Accordingly, the Writ Petition and the I.A. are disposed of.

9. Urgent certified copy of this order be granted on proper application.

(*Dr. S.K. Panigrahi*)
Judge

B.Jhankar

