

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.27272 OF 2022

Rajkishore Rout

....

Petitioner(s)
Mr.B.K.Panda,Adv.

-versus-

State of Odisha and others

....

Opposite Party(s)
Mr.S.Mishra,ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
19.10.2022

Order No.

01.

1. Heard learned counsel for the Parties.
2. There is serious allegation on obstructing passage to the own house along with some other house also. Though the pleading learned counsel for the Petitioner alleges in spite of such objection raised before the Tahasildar, Baramba, there is no improvement. As a consequence Petitioner was also constrained to make his grievance to the Collector, Cuttack- Opposite Party No.2, there is also no response to this effort of the Petitioner.
3. Considering there is serious allegation, this Court since finds, Opposite Party No.2 is required to take decision on such allegation in disposal of the Writ Petition directs Opposite Party No.2 to consider the grievance of the Petitioner through the Writ Petition as well as Annexure-5, if necessary, asking for an inquiry to the competent persons to find out if the construction involved in fact affecting the entry of the residents in the locality and take a decision as appropriate. This Court observes in the event the Collector,

Cuttack comes to assess there is in fact obstruction in the entering into the residential house in the locality. There shall be direction for removal of the construction and investment, if any, from public fund as of now shall also be recovered from persons involved therein. The inquiry be concluded at least within a period of fifteen days on receipt of copy of order and finality of Annexure-5 should also be achieved within a period of one month to avoid unnecessary expenditure in the meantime.

4. The Writ Petition thus stands disposed of.

5. Free copy of this order be handed over to learned State Counsel.

Swarna

