

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27599 of 2022

Kishore Putel

.... Petitioner

-versus-

State of Odisha & Others

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
19.10.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. S.K. Joshi, learned counsel appearing for the Petitioner and Mr. Ch. S. Mishra, learned Addl. Government Advocate for the State-Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“ Under the facts and circumstances stated above the petitioner therefore pray that this Hon’ble Court may be graciously pleased to admit the writ petition, issue notice to the opposite parties, call for the records and after hearing the parties pleased to allow the writ petition and quash the impugned notice dtd.29.09.2022 (Annexure-5) and notice dtd.11.10.2022 (Annexure-6) issued by the ARCS, Patnagarh Circle, Patnagarh;

And / or may pass such other order / orders, direction / directions as this Hon’ble Court may deem just and proper in favour of the Petitioner”.

4. It is submitted that during pendency of the matter before the Hon’ble Lokayukta in Lokayukta Case No-LY-183/2021, the impugned communication has been issued

by the Opposite Party No.2 on 29.09.2022 under Annexure-5 and by the Opposite Party No.4 on 11.10.2022 under Annexure-6 directing the Opposite Party No.5 to take appropriate action against the present petitioner.

5. It is submitted by Mr. Das, learned counsel for the Petitioner that basing on the complaint filed by one Prahallad Padhi, the aforesaid case was instituted by the Hon'ble Lokayukta and the matter has been fixed to 20th of this month.

6. It is submitted that during pendency of the matter before the Hon'ble Lokayukta, the Opposite Party No.2 should not have issued the impugned communication directing Opposite Party No.5 to take penal action against the Petitioner.

7. This Court taking into account the fact that the matter is sub-judice before the Hon'ble Lokayukta in Lokayukta Case No-LY-183/2021, this Court is not inclined to entertain the prayer as made in the Writ Petition.

8. However, it is observed that if the Petitioner files appropriate application before the Hon'ble Lokayukta on the date fixed, the said authority shall take a lawful decision on the same by giving opportunity of hearing to all concerned and pass appropriate order within a period of three weeks from the date of filing of the petition, which is to be filed on 20.10.2022. Till a decision is taken by the Hon'ble Lokayukta on the application to be filed by the Petitioner, no coercive action shall be taken against him basing on the impugned communications issued under Annexures-5 & 6 to the Writ Petition.

9. With the aforesaid observations and directions, the Writ Petition is disposed of.

10. Urgent certified copy of this order be granted on proper application in course of the day.

(Biraja Prasanna Satapathy)
Judge

Subrat

