

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 27667 of 2022

Prafulla Kumar Sahu and Anr.

.....

Petitioners

Mr. T. Nanda, Adv.

Vs.

State of Odisha and others

.....

Opposite Party

Mr. J.P. Pattnai, GA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

20.10.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. T. Nanda, learned counsel for the petitioners and Mr. J.P. Pattnaik, learned Government Advocate.

3. The petitioners have filed this writ petition seeking direction to the opposite parties not to carry out the eviction/demolition process in respect of the stalls/godown/structure standing over plot no.242/1624, Gharabari Aka, measuring an area of Ac.0.046 decimals of holding no.882 and plot no.242, Gharabari Aka, measuring an area of Ac.0.027 decimals of holding no.884 of Mouza-Bolangir 'Kha', P.S. Bolangir, Thana No.151 in the district of Bolangir.

4. Mr. T. Nanda, learned counsel for the petitioners contended that since the opposite parties are marking red-mark for eviction/demolition of stalls/godown/structure standing over the aforesaid plots, the petitioners have approached this Court by filing the present writ petition.

5. Mr. J.P. Pattnaik, learned Government Advocate contended that this Court may not interfere with the writ petition, in view of the fact that the petitioners had already approached the Senior (Civil Judge), Bolangir by filing C.S. No. 170 of 2015, which was

disposed of vide judgment dated 25.07.2017 and, as such, against the said order, the petitioners have already preferred R.F.A. No. 18 of 2017 before the learned District Judge, Bolangir. It is contended that when the matter is sub-judice before the appropriate forum, the petitioner could not have approached this Court by filing the present writ petition.

6. Having heard learned counsel for the parties and after going through the records, since for the selfsame area of plots the matter is sub-judice before the District Judge, Bolangir in R.F.A. No. 18 of 2017, this Court is not inclined to entertain this writ petition.

7. Accordingly, the writ petition stands dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok

