

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.126 of 2022

Saraswati Behera

.....

Petitioner

Mr. H.N. Mohapatra, Adv.

-Versus-

State of Odisha & ors

.....

Opp. Parties

Ms. S. Pattnaik, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

31.10.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard Mr. H.N. Mohapatra, learned counsel appearing for the petitioner.
 3. By means of this writ petition, the petitioner urges this court for issuance of writ of habeas corpus or any form of writ or writs directing the Opposite Parties to trace out the whereabouts of the petitioner's husband and produce him before this court.
 4. It is apparent from the information that has been lodged before the police that on 28.08.2022 in the morning at about 10.00 AM, the husband of the petitioner namely, Nanda Kishore Behera went to Dholang village by his moped for purpose of selling sarees. But he did not return home. The nephew of the petitioner namely, Rama Ch. Behera with the help of other villagers searched for him in

that night by going to Dholang village near Gayalbanka but he could not trace him out. On the next date i.e. 29.08.2022 (Monday) morning, the nephew of the petitioner got information from the Forester of Damapara Forest gate that one moped with some new sarees were found near the forest area but no one was available there. The nephew of the petitioner immediately rushed to that place and recognized the moped and the sarees which belonged to the husband of the petitioner. Thereafter, the nephew with the help of some other villagers searched the nearby places of the jungle but they could not trace out the missing person.

5. On 29.08.2022 itself, the information was lodged to the police regarding the occurrence. The said information has been registered as the missing information (Annexure-1 to the writ petition). Till now the police could not trace out the missing person or his well-being. In this back-drop, this writ petition has been filed by the petitioner.

6. In Para 6 of the writ petition, it has been laid that the petitioner has knocked the doors of superior authorities, but without any result. In our considered view, no writ of habeas corpus can be issued on the basis of averments as made by the petitioner.

7. However, in the circumstances, we direct the Opposite Parties to carry out a massive search in the Jungle to find out the missing person or cause of his disappearance within a period of one month from today.

8. Thereafter, they should furnish a report to the petitioner. If the petitioner is not satisfied with the report, the petitioner will be at liberty to take remedial action on the same subject matter.

9. A copy of this order be furnished to Ms. S. Pattnaik, learned Addl. Government Advocate for onward transmission.
10. In terms of the above, this writ petition stands disposed of.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

Rati Ranjan

