

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.30019 OF 2022

Priyadarshini Khatua

....

Petitioner

Mr.S.Panda, Adv.

-versus-

State of Orissa & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
24.11.2022**

Order No.

3. 1. Heard learned counsel for the Parties.
2. There is serious allegation by Mr.Panda, learned Additional Government Advocate for the State that there was previous round of litigation by the very same Petitioner involving the same order even providing number of Writ Petitions involved in the first attempt of the very same Petitioner.
3. On 22.11.2022, this matter was adjourned to today with a direction to place this matter along with W.P.(C) No.19668/2022. In course of argument on perusal of the proceeding in W.P.(C) No.19668/2022, this Court finds, there was advancement of submission by the learned counsel for the Petitioner, Mr.J.K.Khuntia

and in course of submission, finding there is involvement of serious allegation undertaken in the enquiry process by the Human Rights Commission of the State, learned counsel appearing for the very same Petitioner did not press the Writ Petition. There is no bar, such disposal does not come within the meaning of technical disposal and rather comes within the meaning of merit disposal.

4. Present Writ Petition again involving the very same order. From the Certificate, this Court finds, the Petitioner has fairly submitted the case number earlier disposed of involving the selfsame issue. It is necessary to keep note here that the earlier matter was also heard at length in the involvement of the learned counsel for the Petitioner as well as the learned State Counsel at length and finally Mr. Khuntia, learned counsel, chose not pressing the Writ Petition, which has finally got dismissed by this Bench only. Present litigation is moved by a different Counsel. For great level of consideration of the matter in the previous round of litigation, no successive Writ Petition is entertainable again in the involvement of different Counsel.

5. In the circumstance, there is no scope for bringing a further Writ Petition. This Court accordingly dismisses the present Writ Petition, as there is no scope for entertaining the second attempt Writ

Petition on the selfsame issue. This Court records the displeasure for undertaking the second Writ Petition exercise instead of declining entertaining of such Writ Petition by the Counsel for the Petitioner.

(Biswanath Rath)
Judge

M.K.Rout

