

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31255 of 2022

Santosh Kumar Malik

....

Petitioner(s)

Mr. B.K. Bal,
Advocate

-versus-

***Election Officer-cum-BDO,
Nischintakoili & Ors.***

....

Opposite Party(s)

Mr. S. Mishra,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
25.11.2022**

Order No.

01. 1. Learned counsel for Petitioner argues on a point which has neither been supported by the pleadings nor through documents even. The Petitioner has to bring a proper application alongwith specific pleadings and material to prove the allegation that the application to call for ballot paper and related papers though was filed before commencement of evidence, but was kept pending by the Election Tribunal itself directly to be considered after evidence gets closed. For there is no such foundation, this Court is not inclined to entertain the Writ Petition. However, considering the submission made by the learned counsel for Petitioner, this Court permits the Petitioner to withdraw this Writ Petition with liberty to file a fresh writ petition with proper pleadings and material support.
2. The Writ Petition is, accordingly, dismissed as withdrawn, but however, with liberty as prayed for.

3. Certified copy of the impugned order be returned to the Petitioner, but however, after keeping a true attested Xerox copy thereof.

(Biswanath Rath)
Judge

Ayaskanta Jena

